



Mar. 5, 2018

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Also of Note...

### **Trump: New NAFTA Would Prevent Proposed Tariffs**

Last Thursday, President Donald Trump announced that the United States would impose 25 percent tariffs on imported steel and 10 percent tariffs on imported aluminum. The move, which surprised many in Washington and even many of the president's advisers, rattled the stock market as well as many manufacturing companies that rely on the metals. The announcement also surprised officials in the European Union, who have threatened to retaliate by imposing penalties on \$3.5 billion of U.S. exports, especially on products manufactured in states of Republicans leaders, including Harley-Davidson motorcycles (Wisconsin, Speaker Paul Ryan) and bourbon (Kentucky, Senate Majority Leader Mitch McConnell).

The U.S. has experimented with steel tariffs relatively recently. In 2002, President George W. Bush imposed sweeping tariffs on steel imports but dropped them in 2003. The tariffs raised the cost of steel by 3 percent and a 2003 study by the research firm Trade Partnership Worldwide estimated that the higher steel prices, caused chiefly by the tariffs, cost 200,000 steel-consuming jobs in 2003, largely in manufacturing.

This morning, the president tied the tariffs to the ongoing negotiations to rewrite the North American Free Trade Agreement (NAFTA) by tweeting that the "Tariffs on Steel and Aluminum will only come off if new & fair NAFTA agreement is signed." The comments are not particularly surprising as Canada and Mexico were the first and fourth top suppliers of U.S. imported steel in 2017. Given that it is an election year both in the U.S. and in Mexico, many NAFTA watchers believe that talks to renegotiate the three-country agreement may last the rest of the year. However, retaliation against the U.S. tariffs could come much more quickly.

### **Seventh round of the North American Free Trade Agreement (NAFTA)**

#### **Renegotiations Wrap up Today**

Representatives from Mexico, Canada and the U.S. convened over the past week for the seventh round of NAFTA negotiations in Mexico City.

Later today, the seventh-round negotiations are scheduled to conclude with a meeting among the U.S. Trade Representative Robert Lighthizer, Canadian Foreign Minister Chrystia Freeland and Mexican Economy Minister Ildefonso Guajardo. The three top trade officials from the NAFTA countries are expected to hold a press conference after the formal round of negotiations are completed.

Last week, Trump announced plans to impose tariffs on steel (25 percent) and aluminum (10 percent) to protect natural security interests. However, Trump has not specified whether he will grant exemptions to the tariffs for key allies and vital trading partners. An eighth round of NAFTA negotiations in Washington, D.C., is expected to be held in early April.

**NCSL Contacts:**Jon Jukuri

### This Week on Capitol Hill

The Senate is turning to banking reform as efforts to pass gun control legislation appear to have stalled. The financial legislation, which will provide relief to small financial institutions and community banks, would be the first rewrite of the Dodd-Frank reform bill, legislation enacted nearly eight years ago in wake of the financial crisis. The legislation is expected to consume most of the chamber's floor time this week.

During its brief sessions on Monday and Tuesday last week, the House passed a bill to make it easier for victims and prosecutors to sue websites linked to sex trafficking. This week, the House is expected to vote on two energy and environment bills: the Blocking Regulatory Interference from Closing Kilns (BRICK) Act and the Satisfying Energy Needs and Saving the Environment (SENSE) Act. The BRICK Act would change certain Environmental Protection Agency regulations to benefit the brick and structural clay ceramics manufacturing industries. The SENSE Act would exempt certain power plants, which burn coal refuse, from parts of a 2012 air pollution rule. The House is expected to vote on the bills on Wednesday and Thursday.

The House is also expected to vote on the Comprehensive Regulatory Review Act on Tuesday, which is aimed at eliminating outdated or unnecessary regulations. The bill would require the audit of financial regulations to be completed every seven years, instead of every 10, and would expand the number of federal financial agencies the review requirements apply to.

**DYK?** Until the adoption of the 20th Amendment to the U.S. Constitution in 1933, U.S. presidents were inaugurated on March 4. However, the first president, George Washington, was not inaugurated until April 30. Although Congress had scheduled the first inauguration for March 4, 1789, they were unable to count the electoral ballots as early as anticipated.

### Roadblock to 2018 Infrastructure Bill?

Last week, Assistant Majority Leader, Senator John Cornyn (R-Texas) conveyed doubt that a large infrastructure package would pass Congress by the end of the year because of the large number of other priorities it must complete. While last month's budget deal calls for a \$10 billion boost to infrastructure

funding for both FY 2018 and FY 2019, it remains unclear how such funding will be allocated with broadband, surface transportation, and clean and safe drinking water among a bevy of potential options.

While the funding in the budget deal is needed given the state of the nation's infrastructure, it is far from Trump's proposed \$1.5 trillion infrastructure plan. Senator Tom Carper (D-Del.), the ranking member of the Senate Environment and Public Works Committee, responded to Cornyn's remarks by saying, "I hope he's wrong. This administration, the president has talked so much about infrastructure, transportation, broadband deployment, water, sewer. If we can't figure out a path forward on this, shame on the president, shame on the administration, shame on the Congress."

Although a large infrastructure package may face a difficult road to passage, Congress still anticipates passing two other main infrastructure bills—a full four-year reauthorization of the Federal Aviation Administration (airports and drones) and a two-year reauthorization of the Water Resources Development Act (ports, harbors, inland waterways, and clean and safe drinking water).

*NCSL Contacts:*Ben Husch,Kristen Hildreth

### **Commerce Committees Announce Broad Telecom Package**

Lawmakers on both the House and Senate Commerce committees have reached a bipartisan deal on a broad package of telecom provisions that will likely be bundled in this month's omnibus bill if a standalone package is not passed beforehand. The deal includes elements of the House's Federal Communications Commission (FCC) reauthorization package, which would provide the agency with more than \$330 million annually in FY 2019 and FY 2020, and includes key provisions from the Senate's Mobile Now spectrum bill. The Mobile Now Act provisions include allowing the FCC to hold upfront spectrum auction bids later this year with the U.S. Treasury.

In a joint statement, House and Senate committee leaders, Representative Greg Walden (R-Ore.), Representative Frank Pallone (D-N.J.), Senator John Thune (R-S.D.) and Senator Bill Nelson (D-Fla.) said the "bipartisan, bicameral product puts consumers first and solidifies the nation's critical telecommunications infrastructure, giving the U.S. a global edge" in the race to develop fifth-generation, or 5G, wireless networks "and in improving internet services across the country."

The legislation, Ray Baum's Act (H.R. 4986), will first be voted on in the House tomorrow, March 6, which is said to be a demonstration vote to congressional leadership that including the legislation in the omnibus bill will not threaten the package's chances of passage.

*NCSL Contacts:*Danielle Dean

### **Federal Reserve Chair Jerome Powell Testifies before Congress**

Last week, Fed Chair Jerome Powell appeared before the House and Senate testifying on the Federal Reserve's semiannual Monetary Policy Report. In his first appearance before Congress as one of the nation's top financial regulators, Powell commented on current economic conditions, addressing hot topics such as inflation, interest rates and the Fed's years-long accommodative monetary policies. Congressional members also peppered Powell with questions on myriad issues ranging from the new tax law and pending banking reform legislation to lending practices and consumer protection. [View the full Senate testimony.](#)

During his testimony, Powell recognized the Fed's congressional mandate of promoting both maximum employment and stable prices—economic dynamics that tend to operate inversely, especially during times of relatively swift economic growth. Powell reported a generally favorable U.S. economic outlook, citing current job gains, economic growth and unemployment (4.1 percent) numbers. He went on to note that the Fed expects the inflation rate to tick upward, moving closer to the agency's target rate of 2 percent.

Questions remain as to the full cumulative effects of the recent tax legislation combined with historically low unemployment, high labor demand and increasing wages. With more money in the economy and wages on the rise, some believe that inflation will rise at a higher pace than anticipated by the Fed. For now, it appears that the Fed will proceed with at least three incremental interest rate hikes this year, with a fourth possible.

**NCSL Contact:**[Ethan Wilson](#)

**DYK?**

Before the 20th Amendment, presidential inaugurations were typically held on March 4. However, when the March 4 fell on a Sunday, as it did in 1821, 1849, 1877, and 1917, the ceremonies were held on March 5.

In 1877, March 4 fell on a Sunday, so on March 3, 1877, Rutherford B. Hayes became the first president to take the oath of office in the White House during a private ceremony. Hayes' also took the oath in a public ceremony on March 5.

On March 4, 1917, President Woodrow Wilson became the first person to break precedent and take the oath of office on Sunday, which was also the first time that the oath was taken privately in the President's Room at the Capitol.

Also, Inauguration day has only fallen on a Sunday three times since the passage of the 20th Amendment. In all three instances, the presidents were sworn in during a private ceremony on Sunday, followed by a public ceremony on Monday.

## **Senate to Debate Bill that Exempts Small Banks from Dodd-Frank**

Last Thursday, Senate Majority Leader Mitch McConnell(R-Ky.) filed a cloture motion on S. 2155, the [Economic Growth, Regulatory Relief, and Consumer Protection Act](#), which is legislation intended to provide smaller banks relief from rules and regulations established under Dodd-Frank. Debate on the measure is expected to last most of the week in the chamber.

In general, the legislation raises the threshold at which a bank is deemed big enough to warrant tighter oversight from \$50 billion to \$250 billion. An initial procedural vote on the bill is expected on Tuesday, where the legislation will need 60 votes to pass, which it is expected to attain given that it is supported by moderate Democrats. More progressive members, however, have vocally opposed the bill."The Senate—with the support of some Democrats—is set to start debate on a bill to rollback regulations on the same big banks we bailed out a few years ago. If we lose the final vote next week, we'll be paving the way for the next big crash," Senator Elizabeth Warren(D-Mass.) said in a tweet Friday.

Warren, considered a potential 2020 contender, rose through the Democratic Party's ranks by focusing on financial oversight.

**NCSL Contact:**[Ethan Wilson](#)

### **Carrying Firearms in K-12 Schools**

In the wake of the tragic events in Parkland, Fla., federal and state laws governing firearms have been in the forefront of public attention. Last week, the president held a bipartisan meeting to discuss school violence and access to firearms. Trump has indicated support for school staff having access to firearms. This week, the president is expected to meet with "members of the video game industry" to discuss the relationships between violence and video gaming. [Read NCSL's Blog post on Carrying Firearms in K-12 Schools: A Policy Snapshot.](#) [NCSL Summary Carrying Firearms K-12 Schools](#)

**NCSL Contact:**[Joan Wodiska](#)

### **Court Hears Oral Argument in *Janus v. AFSCME* Case**

Last week, the U.S. Supreme Court heard oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case considers the question of whether state laws that require the collection of "fair-share" dues in unions violate the First Amendment. While Justice Neil Gorsuch is expected to be the swing vote, [last week he remained silent during the oral arguments.](#)

**NCSL Contacts:**[Jon Jukuri\(Labor\)](#); [Joan Wodiska\(Education\)](#)

**DYK?**Thirty-six hours after his inauguration on March 4, 1933, President Franklin D. Roosevelt declared a "bank holiday," which closed all U.S. banks and froze all financial transactions for a week to stem bank runs during the financial crisis of the Great Depression. Following the bank holiday, on March 9, Congress introduced, passed, and the president signed the [Emergency Banking Relief Act](#), which allowed banks to reopen as soon as examiners had found them to be financially secure. Within three days, 5,000 banks had been given permission to be re-opened.

### NCSL Files Amicus Brief in *South Dakota v. Wayfair Sales Tax Case*

On March 2, NCSL, along with the national organizations that represent state and local officials, filed [an amicus brief](#) in the U.S. Supreme Court for one of the most important state tax cases in decades:*South Dakota v. Wayfair*.

In this case, South Dakota is asking the Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax. Ruling this way will require the Supreme Court to overturn long-standing precedent.

The [amicus brief](#) points out that states and local governments lost an estimated \$26 billion in sales tax revenue in 2015 because they were unable to collect owed taxes. The brief encourages the Court to overturn *Quill*. If the Court decides to replace the physical presence requirement, the brief asks the Court to adopt an economic nexus requirement—like the one the South Dakota legislature adopted.

**NCSL Contacts:**[Max Behlke](#),[Jake Lestock](#)

### Opioids Crisis Garners Further Federal Attention

This week, the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee will hold a full hearing on the Opioid Crisis: Leadership and Innovation the States. Guest witnesses are Governors Larry Hogan (R) of Maryland and Kate Brown (D) of Oregon. Last week, the president [hosted an opioid summit](#) to discuss the administration's efforts to confront the opioid crisis.

**NCSL Contacts:**[Haley Nicholson](#)(Health);[Susan Frederick](#)(Criminal Justice);[Joan Wodiska](#)(Education)

### Also of Note...

- This Democrat Is Running for Congress—but Not Against Trump—[The Atlantic](#)
  - Ryan splits with Trump on trade as GOP lawmakers move to block planned tariffs -  
[Washington Post](#)

- **Inside the \$9.1 Million Effort to Bolster Republican Running in Trump Country—[The Wall Street Journal](#)**
- **Mueller subpoenas witness for documents tied to Trump, campaign associates: report—[The Hill](#)**

[Read the Feb. 26, 2018 Capitol-to-Capitol.](#)

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We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by [clicking here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact[Max Behlke](#).



*Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted during NCSL's Legislative Summit.*



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## OHIO REPORT MONDAY, MARCH 5

**Children Services Rule To Get Second Look After Concerns Raised At JCARR**

**Report Outlines Ohio's Rankings Ahead Of Kasich's Address**

**Lawmaker Looks To Crack Down On Theft In Office**

**Opioid Prescriptions Fall For Fifth Straight Year, Pharmacy Board Reports**

**DeWine Sues Monsanto, Crew SC Operator/Investor And MLS**

**Planned Updates To Give Farmers New Tool In Curbing Phosphorus Runoff**

**House District 83: Former Nurse, Business Leader Face Off In GOP Primary**

**Rover, OEPA Clash Over Landslides, Detected Chemical Traces**

**New Member Profile: Rep. McClain Follows In Father's Footsteps**

**Politics Notebook: Buckeye Institute Highlights Capital Budget 'Pork'; Taylor Picks Up Endorsement; Schiavoni Releases New Ad; Balderson Touts War Chest**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

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## **CALENDARS**

### **Day Planner**

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## Daily Activity Planner for Tuesday, March 6

### Legislative Committees

Senate Public Utilities (Committee Record) (Chr. Beagle, B., 466-6247), Finance Hearing Rm., 9:30 a.m.

- Confirmation hearing on governor's appointments of M. Beth Trombold, Public Utilities Commission of Ohio and Gregory Murphy, Power Siting Board

**HB 478** **WIRELESS SERVICES** (Smith, R., LaTourette, S.) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way. (1st Hearing-Sponsor)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 10 a.m.

**HB 529** **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (3rd Hearing-All testimony-Possible vote)

**HB 508** **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (4th Hearing-All testimony-Possible vote)

**HB 378** **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (7th Hearing-All testimony-Possible amendments, substitute & vote)

House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.

**SB 226** **TAX HOLIDAY** (Bacon, K.) To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (2nd Hearing-Proponent)

House Agriculture & Rural Development (Committee Record) (Chr. Hill, B., 644-6014), Rm. 121, 1 p.m.

**HB 501** **VETERINARY TITLES** (LaTourette, S., Huffman, S.) To change professional title of "registered veterinary technician" to "registered veterinary nurse." (1st Hearing-Sponsor)

**HR 298** **ALFALFA PRODUCTS** (Sprague, R., Hill, B.) To recognize the existence of two alfalfa products in light of the recent action of the Ingredient Definition Committee of the Association of American Feed Control Officials. (1st Hearing-Sponsor)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.

**SB 266** **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make

reappropriations for the biennium ending June 30,2020. (3rd Hearing-Opponent)

**SB 225** **BROADBAND GRANTS (Schiavoni, J., Eklund, J.)** To create the Ohio Broadband Development Grant Program and to make an appropriation. (1st Hearing-Sponsor)

**SB 246** **STUDENT REMOVAL (Lehner, P., Manning, G.)** To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. (1st Hearing-Sponsor)

**HB 329** **PYRAMID SCHEMES (Pelanda, D.)** To modify the law governing pyramid promotional schemes. (3rd Hearing-Opponent)

House Session (Committee Record), Senate Session (Committee Record) (Chr. Rosenberger, C., 466-3357, Chr. Obhof, L., 466-4900), Fritsche Theater, Otterbein University, 30 S. Grove St., Westerville, 7 p.m.

- Joint convention for the Governor's State of the State address

### Agency Calendar

Small Business Advisory Council, Women's Small Business Accelerator's ThinkSpace, 24 Westview Dr., Westerville, 10 a.m.

Public Facilities Commission, 35th Fl., 30 E. Broad St., Columbus, 3:30 p.m.

### Event Planner

OhioLINK, Ohio Department of Higher Education discussion on textbook affordability and open educational resources, Otterbein University, Towers Hall, Westerville, 10 a.m.

Sen. Rob McColley (R-Napoleon) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for McColley)

Rep. Scott Ryan (R-Granville Township) fundraiser, Oliver's, 26 N. High St., Columbus, 11:30 a.m., (Sponsor: \$1,000; Host: \$500; Chair \$350 to Citizens for Scott Ryan)

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## Volume #87, Report #43 -- Monday, March 5, 2018

### Children Services Rule To Get Second Look After Concerns Raised At JCARR

The Department of Job and Family Services will refile a proposed rule dealing with child abuse and neglect investigations after agencies said it would lead to more cases and higher costs.

The Public Children Services Association of Ohio told members of the Joint Committee on Agency Rule Review Monday that the proposed rules would prevent agencies from making "collateral contacts" before deciding to accept a case. That means they would not be able to check certain details, such as whether a parent was in drug treatment, before opening an investigation.

ODJFS argued the county agencies have long been advised in state guidance not to do so. Contacting other people about a potential child abuse or neglect case before contacting the parent can jeopardize the parent's privacy.

The proposed rule changes were designed in part to incorporate revisions to the federal Comprehensive Addiction and Recovery Act, which require more mandatory reporting in cases where children are born addicted to drugs.

The department included the provision preventing collateral contacts before cases to reinforce provisions that have been in guidance for more than a decade, Carla Carpenter, deputy director for the Office of Families and Children at ODJFS, told JCARR.

"The change to the rule merely echoes the guidance that we have been providing since 2005," she said.

Mary Wachtel, director of public policy for the PCSAO, said the rules would make it harder for agencies to screen potential cases by preventing them from following up for more information on referrals before opening an official investigation. It could lead to agencies opening investigations for children who aren't being neglected or abused, opening cases that would require home visits and other costs, she said.

"We are talking about a judicious, somewhat limited use of pre-screening collateral contacts," she said.

Other states allow for collateral contacts before cases are screened in, she said. Those states often have limits, such as that the only people to be contacted would be mandatory reporters of abuse or neglect, such as medical providers.

Ms. Wachtel suggested the department convene a stakeholder group to work out a solution.

"There is a fix here," she said. "We respectfully request that the rules be withdrawn to give time for a substantive discussion and consideration."

The department consulted with stakeholders before drafting the rule, Ms. Carpenter said.

Agencies are given 24 hours to gather information from internal sources, such as if the parent has had previous contact with the child welfare system, and to work back with the person referring the case, she said.

In many cases, particularly those involving drug abuse under the CARA provisions, the person making the referral is a medical professional, Ms. Carpenter said. In those cases, the provider can obtain a release of medical records from the parent to demonstrate that the parent has a drug treatment care plan, for example.

Lawmakers pressed the department on what would happen if the person making the referral was not a medical provider.

"How can you get a written release when you're not allowed to make a collateral contact?" Sen. Michael Skindell (D-Lakewood) asked.

The agencies would be able to look at the information they have and to ask follow-up to the person referring the case, Ms. Carpenter said. The rules follow the same procedure as guidance in place now.

"They essentially would be making that decision the same way they do today," she said.

JCARR Chair Sen. Joe Uecker (R-Loveland) asked how many counties are not complying with the guidelines.

Ms. Carpenter said the department wasn't aware of deviation from the guidance until recently.

Rep. Mike Duffey (R-Worthington) said the agency indicated the rule change would have no fiscal effect for the state or for counties, but it could increase the number of cases agencies take on.

The department said the change only codified what was expected to be standard practice, and increases weren't anticipated, Ms. Carpenter said.

"We have a duty as children services agencies to respond to reports that require our attention," she said. "We don't have control over what comes through our front door."

JCARR members caucused for about 45 minutes on the issue, after which ODJFS officials said they would refile the rule pending further discussions with stakeholders.

### **Report Outlines Ohio's Rankings Ahead Of Kasich's Address**

While the state comes in above national averages for the number of residents with health insurance, students enrolled in Pre-K, and structurally sound bridges, it is lagging behind in a number of other areas, a new report shows.

One Ohio Now, a coalition of more than 100 health and human service organizations, labor unions and advocacy groups, released its third annual State of Ohio report on Monday. It shows Ohio's rankings in 16 areas encompassing health, education, the economy and equality.

State Director Gavin DeVore Leonard said it's important that Ohioans have a full picture of how the state is doing before the governor delivers his annual State of the State address on Tuesday.

"Unfortunately, what typically happens with the State of the State is sort of cherry picking the things that make you sound the best, the things you feel like you have the most likelihood of succeeding on in the future, and then often times sort of glazing over the things that are really at the foundation of what's happening, particularly in a place like Ohio, where there is just no getting around it, we are struggling. We're having a hard time keeping up," he said during a Statehouse press event.

Gov. John Kasich and those close to him haven't divulged what his speech will entail, but he told reporters last week that it will be "odd" and "different" than in past years. Being his last SOTS address, he's expected to recap his accomplishments while in office and focus on how he's helped to change state operations during his tenure. (See Gongwer Ohio Report, March 2, 2018)

Responding to the One Ohio Now report, his spokesman, Jon Keeling, touted the impacts the governor's leadership has had on the state over the last seven years.

"Jobs are up. Wages are growing. More Ohioans have health coverage. Support for K-12 education is at record levels. Poverty is the lowest in nearly a decade. We're taking better care of the vulnerable and those who live in the shadows. And Ohioans are wearing our colors with pride in ways this state hasn't seen in a long time," he said.

"The governor has set a new standard for leadership here in Ohio, and if those values are continued the stage is set for even more progress long after he's gone."

In addition to showing where the state ranks nationally, the report also compares last year's stats to this year's. As infant mortality, overdose deaths and poverty got worse in Ohio in 2017, the state has improved in the areas of college tuition, home foreclosures and hunger.

Despite improvements in some categories, it shouldn't be overlooked that Ohio still ranks at the bottom of states, Mr. DeVore Leonard said.

Higher investments in underperforming areas, such as K-12 and programs combatting hunger could save the state billions of dollars in the long term because Ohioans would be better off, he said.

Especially in K-12, where spending on an inflationary basis has been stagnant since 2002, it's "hard to be a recipe for success," he said.

"We believe that this can be solved and that's actually what the data shows when you look at what's happening around the country," Mr. DeVore Leonard said. "We're nervous that what's happening is that the legislature and the governor are essentially ignoring what the data tells us about how to move our state. They're ignoring what the data tells us about how we should actually get fit and get strong here in Ohio."

To find the funding to make needed investments, he suggested the state repeal a controversial small business tax cut and increase income tax rates for the state's wealthiest.

Although Gov. Kasich has been a champion of eliminating personal income taxes, Mr. DeVore Leonard said a recent softening of his policy stances gives advocates hope that he could be swayed by the data in the report.

"Over the past several weeks and the last few years we've seen that the governor has shown a willingness to reconsider when the facts are just too clear to overcome," he said, citing the governor's support of Medicaid expansion and gun policy proposals.

Mr. DeVore Leonard was joined at the rollout of the report by Trina Payne, executive director of the Ross County Community Action Commission, small business owner Dan Heck, and Vincent Johns Jr. with Faith in Public Life.

Ms. Payne said she's most concerned about the rise in drug overdose deaths in Appalachia - something One Ohio Now tracked for the first time this year.

"Data shows that we must invest in our future as a state to ensure that these numbers decrease and families and communities are given resources to be successful," she said.

### **Lawmaker Looks To Crack Down On Theft In Office**

Public officials who get caught with their hands in the cookie jar would soon face steeper penalties under recently introduced legislation.

The proposal (SB 268) sponsored by Sen. Steve Wilson (R-Maineville) would establish first- and second-degree felony offenses for theft in office.



Sen. Wilson

Under current law, theft in office of any amount is limited to a third-degree felony that carries a maximum sentence of three years in prison.

The proposal would change the law to mirror existing penalties for theft. A theft in office of between \$150,000 and \$750,000 would result in a second-degree felony charge that carries a maximum sentence of up to eight years in prison.

Sen. Wilson said the legislation came about after conversations with State Auditor Dave Yost.

"We have a different set of standards for theft when it is someone in office, and in my estimation it shouldn't be," he said in an interview.

A theft of more than \$750,000 would result in a first-degree felony charge, making the offender eligible for a maximum prison sentence of 11 years.

In addition, the measure would allow courts to include the cost of a forensic audit in a restitution order when the victim is a public entity.

Rep. Derek Merrin (R-Maumee) has introduced legislation (HB 391) to include the cost of accounting done to determine the extent of an economic loss for restitution purposes. It was recently amended to limit the amount of restitution to be granted for accounting or auditing costs to be reasonable and not exceed the value of the property stolen or damaged.

Sen. Wilson said he would be open to limiting the auditing costs that can be recouped, but wants to ensure that the public is made whole.

"I am open to that but my main concern is that the public not pay and the person who is audited and found guilty has to pay the costs," he said.

Sen. Wilson believes the measure will be well received in the legislature.

"I think it's so logical it will pass unanimously," he said.

Rep. Robert Cupp (R-Lima) is expected to introduce companion legislation in the lower chamber.

The proposal would also bar those convicted of theft in office from serving in a position of public trust.

"Theft in office is a severe crime that warrants an equally severe punishment," Auditor Yost said in a statement.

### **Opioid Prescriptions Fall For Fifth Straight Year, Pharmacy Board Reports**

Doctors in Ohio prescribed fewer opioids in 2017, continuing an ongoing trend, according to data released Monday by the State Board of Pharmacy.

It was the fifth year in a row the number of opioid prescriptions reported to the state's Ohio Automated Rx Reporting System fell.

There were 568 million opioid doses dispensed to Ohio patients in 2017, the report found, down from 631 million in 2016 and 28.4% from an all-time high of 793 million in 2012.

There were 9.3 million total prescriptions dispensed, down from 10.1 million in 2016 and down from a high of 12.6 million in 2012.

"Ohio has one of the most comprehensive and aggressive approaches in the country to tackling the opioid epidemic," Pharmacy Board Executive Director Steven W. Schierholz said in a statement. "Through improvements to OARRS, new prescribing rules and guidelines, shutting down pill mills and aggressive regulatory action against unscrupulous prescribers, the state is making considerable progress in reducing the supply of prescription opioids and other controlled substances that can be abused or diverted."

The OARRS system saw more than 88 million patient reports requested, along with an 88% decrease in the number of people engaged in doctor shopping, the board reported.

"It is widely accepted that prescription opioid abuse often progresses to the use of heroin and other illicit drugs. That is why Ohio's efforts to reduce exposure to prescription opioids are essential to combatting this public health crisis," said Tracy Plouck, director of the Ohio Department of Mental Health and Addiction Services.

The report also found a decrease in the number of prescribers and patients receiving opioid prescriptions. The patient total dropped to just below 2 million, after topping 3 million in 2012. The number of prescribers also fell to just over 55,100, from a high of nearly 66,650 in 2012.

The number of benzodiazepines dispensed to patients also fell, dropping to 233 million solid doses from 254 million in 2016 and 297 million in 2012.

The report also tracked the number of opioid doses prescribed for acute pain, a recent point of emphasis for the state, which has limited the supply doctors can prescribe.

The number of doses for acute pain fell to just under 17 million in 2017, from a high of 31.2 million in 2012. The average prescription also fell from 8.37 days to 7.1 days.

County-level data is also available from the Board of Pharmacy.

The Ohio State Medical Association said doctors have been working to reduce the number of opioid painkillers given to patients.

"Ohio physicians for this entire decade have dedicated themselves to being part of the solution to the opioid epidemic which has gripped our state and we're seeing the positive effects of that commitment," OSMA spokesman Reggie Fields said in a statement. "Through better pain management treatment efforts and clearer state rules and guidelines, physicians are better equipped to make appropriate decisions when it is necessary to prescribe an opioid."

The OSMA pointed to its Smart Rx program, designed to educate prescribers about the safe use of opioids.

"Still, more work needs to be done to reduce the number of opioids dispensed and Ohio physicians remain committed to providing high-quality medical care that is safe and in the best interest of patients," he said.

#### **DeWine Sues Monsanto, Crew SC Operator/Investor And MLS**

Attorney General Mike DeWine on Monday announced the filing of two lawsuits - one against a multinational agrochemical company and another designed to halt the possible move of the Columbus Crew.

Filed in Hamilton County Common Pleas Court, Mr. DeWine accuses Monsanto of producing and selling polychlorinated biphenyls from 1929 to 1977 despite knowing the risk the chemical compound posed to humans.

"Ohioans deserve to enjoy their natural resources without contamination from these toxic chemicals, and we believe Monsanto should be held responsible for the damage it caused," the gubernatorial candidate said in a statement. "Our goal in taking this action is to protect Ohio, its citizens, and its natural resources."

The company did not respond to a request for comment on the lawsuit by publication time.

PCBs were used in paints, inks, caulks, sealants, lubricants, electrical equipment and carbonless copy paper, according to the lawsuit.

The chemical compound builds up in living things and contaminates the food chain. In humans, PCBs are associated with cancer, skin and eye disorders, reduced birth weight and liver damage.

The contamination has also been found in fish, soil, plants and the air, the lawsuit alleged.

Despite learning of the toxicity of the chemical in the 1930, the company continued to use the product, according to the lawsuit, which alleges Monsanto was negligent and created a public nuisance through its manufacture, distribution and sale of PCBs.

The lawsuit seeks compensation and damages to investigate and remove PCBs from the state's natural resources.

**Crew Lawsuit:** Mr. DeWine also filed a lawsuit against Precourt Sports Ventures and Major League Soccer to stave off the soccer club's move to Austin.

The lawsuit is based on the "the Art Modell law," which states that an Ohio professional sports team that uses a "tax-supported facility" and receives financial assistance from the state or a political subdivision cannot relocate without an agreement with the political subdivision. It also must give the political subdivision or any group of individuals who reside in the area an opportunity to buy the team.

Among the allegations in the lawsuit is that the franchise accepted \$5 million in state funds for improvements to parking facilities, the land on which its home stadium sits is exempt from property taxes and the land is leased at below-market rate.

"Loyal Crew fans in Columbus have invested their time and loyalty in this team, and they have allowed the Crew SC to capitalize from financial incentives paid for by their tax dollars. I am left with no other choice than to file this suit to ensure our laws are followed," Mr. DeWine said.

The franchise did not return a call seeking comment by publication time.

AG DeWine was joined in the lawsuit by the city of Columbus.

"Just as importantly, the team plays in a taxpayer-supported facility, and Precourt Sports Ventures and Major League Soccer have accepted financial assistance from the state of Ohio and the City of Columbus. State law provides us with this protection," Mayor Andrew Ginther said.

The lawsuit, filed in Franklin County Common Pleas Court, was the brainchild of Rep. Mike Duffey (R-Worthington). (See Gongwer Ohio Report, December 6, 2017)

"I am very pleased that our state's top law enforcement officer is vigorously enforcing longstanding Ohio law," he said in a statement. "The Crew SC is our team. Our town. Neither the MLS or Precourt Sports Ventures can operate above Ohio law."

### **Planned Updates To Give Farmers New Tool In Curbing Phosphorus Runoff**

Upcoming improvements to a key tool could provide farmers with more real-time, actionable data on phosphorus runoff coming from their farms.

Called the Ohio Phosphorus Risk Index, the resource is facilitated by the U.S. Department of Agriculture and is soon slated for a host of upgrades that farmers and environmental groups in Ohio say will provide one more asset toward curbing phosphorous runoff.

"The idea is you'll put in real actual data and so you will get really specific information then on how to make use of that data," Ohio Farm Bureau spokesman Joe Cornely said in an interview. "And that's crucial because every farm is different - the soil type, the management practices, the type of nutrients."

The tool is aimed at assisting farmers in gauging their risk for phosphorus runoff. That runoff can degrade surface water quality and contributed to harmful algal blooms.

"Providing farmers with tools to be more efficient and environmentally conscious will help their businesses and their watershed," said Peter Bucher, water resources director for the Ohio Environmental Council. "Further identifying what works best at reducing nutrient runoff will allow more farmers to implement the appropriate practices for their property."

The new index is years in the making and is thanks to a project led by Elizabeth Dayton, a researcher in Ohio State University's College of Food, Agricultural and Environmental Sciences. The project was funded through a \$1 million USDA Conservation Innovation Grant and \$1 million in matching donations from Ohio farmer groups.

"The index provides a long-term, average estimate of field-scale phosphorus loss based on farmer specific inputs," Ms. Dayton said. "It gives farmers the ability to compare crop management scenarios and evaluate changes in phosphorus runoff, allowing them to prioritize time and resources when making management decisions."

The tool also helps put Ohio's goal to reduce phosphorus levels in Lake Erie by 40% by 2025 within reach, Ms. Dayton said. (See Gongwer Ohio Report, February 13, 2017)

"The index quantifies how voluntary changes in agricultural practices contribute to achieving target phosphorus runoff reduction goals," she added. "If you multiply that by the millions of crop acres in Ohio, the 40% reduction target appears achievable."

Mr. Cornely said solving the issue of phosphorus levels will "take a whole toolbox."

"And this is one more tool to go in that box," he said. "So when you look at this as it's employed in conjunction with other tools - some that exist, some still being in development - this is one good piece of that arsenal we need to fix the problem."

After harmful algal bloom activity in 2017 tied the third worst season on record, the United States Environmental Protection Agency is moving to reconsider whether Lake Erie's western basin should be classified as impaired. (See Gongwer Ohio Report, January 22, 2018)

The Ohio Environmental Protection Agency has touted record spending on water quality projects in 2017, although advocates said more resources are needed. (See Gongwer Ohio Report, December 27, 2017)

### **House District 83: Former Nurse, Business Leader Face Off In GOP Primary**

Republican contenders for the 83<sup>rd</sup> House District seat each say they can bring a unique perspective to the General Assembly thanks to their respective expertise in the medical and business fields.

Cheryl Buckland, a member of the Ohio Republican Party's State Central and Executive Committee, and Jon Cross, CEO of the Hardin County Chamber and Business Alliance, are vying to succeed Rep. Robert Sprague (R-Findlay), who is running for state treasurer.

Ms. Buckland, 63, was appointed to the ORP's leadership committee in 2013 and has been elected twice since then. A self-described "non-traditional candidate," she's spent four decades working at skilled nursing facilities, teaching nursing students and operating her own extended care facility.

"We have not had a nurse in the General Assembly since 2010," Ms. Buckland said. "With all due respect, we have a lot of people making healthcare decisions without a healthcare background.... I feel I can be a voice for every healthcare discipline."

Mr. Cross, 38, has a background in commercial real estate. He's held the top job at the Hardin County chamber since 2014 and before that spent several stints dabbling in politics in Kansas, California and Texas. In addition to some northeast Ohio campaigns, he also spent a two-year span as an advance man for then-California Gov. Arnold Schwarzenegger.

It's his current role, however, that he says gives him an up close look at Ohio's competitiveness with other states and places him on the front lines of drawing and keeping businesses in the Buckeye State.

"Every day as an economic development director, I'm responsible for helping to attract new businesses to our community and our region and helping existing companies with their current demands," Mr. Cross said. "So I think I bring a unique perspective to understanding what it takes to attract a business to Ohio or keep a business open and successful in Ohio."

When it comes to the forthcoming race for House speaker shaping up between Rep. Ryan Smith (R-Bidwell) and Rep. Larry Householder (R-Glenford), both candidates declined to publicly weigh in at this point.

"Right now that's my focus: the primary," Ms. Buckland said. "I know both the gentlemen and I'm happy to make a declaration of support when that's necessary."

And although he said he's met with both speaker candidates, Mr. Cross echoed that sentiment. "My philosophy has been I have to win my race first," he said.

But there are plenty of other areas in which the candidates remain at odds. Mr. Cross in particular has questioned whether his opponent shares true conservative principles.

"I'm a proud Republican who supports our president," Mr. Cross said. "I'm a strong pro-life advocate. I will do anything I can to help save and protect human life. I don't believe my opponent is."

Ms. Buckland denied any claim that she doesn't support life. Still, she said her medical background has given her the ability to emotionally detach from the issue.

"As a health professional I've been trained to put my personal feelings aside and look at what is in the best interest of the patient," Ms. Buckland said. "When we look at issues that create such an emotional response in people what I can do is come to the table and get pragmatic answers. I support life, I respect death but I'm also very pragmatic and an objective thinker."

Although she supports life in healthcare and abortion-related matters, she also questioned whether politicians have inserted themselves too far into the patient-doctor relationship.

She lists her priorities if elected as advocating for farmers, steering health policy and supporting efforts to curb the opioid epidemic - an issue she saw firsthand through the addiction of her grandson. She described herself as an "out-of-the-box thinker" who can bring a new perspective to the drug fight.

"I know what I know and what I know I know very well but I'm not an expert in everything," Ms. Buckland said. "I would like to be a voice when we look at our

entitlement programs - not unlike the drug crisis - and say are we spending the right dollars in the right places?"

She and her husband sold their extended care facility in 2008, but she said the experience running a business will give her valuable insight to carry into the Statehouse. She said her world travel would also be an asset - including stays in Africa, El Salvador, Russia as well as time spent delivering Polio vaccines in Portugal.

Mr. Cross said his desire to tackle issues from the business perspective easily ties into other pressing challenges facing the state, including workforce development, educational attainment, opioid addiction and adequately funding local communities.

"My largest overarching campaign platform is to make Ohio and the 83<sup>rd</sup> District safer, stronger and open for business," he said. "How do we get better and how do we compete and how do we make sure policies are not driving people, business, education out of the state?"

His experience across the country, he said, showed him a new perspective on where Ohio stands in business friendliness compared to other states. He wants to be a voice for businesses large and small and is a strong defender of the 2<sup>nd</sup> Amendment, he said.

"We want to make sure rural America, rural Ohio, where you have large corporations to family farms, that perspective is brought into the conversation and policy decisions," Mr. Cross said.

Ms. Buckland and her husband, Larry, have seven stepchildren, 15 grandchildren and 15 great-grandchildren. Among her talents, she lists flamenco and tap dancing.

Mr. Cross, when he's not eating pizza and burgers on the campaign trail, enjoys spending time with his wife, Christina, and playing sports with his two sons, ages 3 and 7.

The winner of the Republican nomination will likely face Democrat Ashley Philipp of McComb who is running unopposed in the primary.

**Subscribers Note:** This story is part of a series focusing on key primary races for Ohio legislative seats. See Gongwer's Election Page for more information on 2018 contests, including our Key Races.

### Rover, OEPA Clash Over Landslides, Detected Chemical Traces

The Ohio Environmental Protection Agency and Rover Pipeline builders continue to lock horns - this time engaging in a contentious back-and-forth over several land slips posing "serious threat to environmental resources."

The OEPA is also requesting new tests after the presence of a manufactured chemical, tetrachloroethene, was found in some drilling returns in Stark County.

The two issues are the latest battle grounds in the ongoing dispute between the two entities - which is simultaneously playing out in an ongoing court case in Stark County. (See Gongwer Ohio Report, February 5, 2018)

The landslip issue came to the forefront last month when Rover Pipeline LLC requested the Federal Energy Regulatory Commission approve temporary workspace for it to repair 28 landslips in Ohio and West Virginia.

But the OEPA, in a subsequent missive to FERC said the company's online filing was the first notice the agency received of the situation and blasted the company for failing to adequately notify the state.

"Ohio EPA is concerned that Rover and FERC did not immediately bring to our attention what Rover now describes as 'a serious threat to sensitive environmental resources,'" OEPA wrote. "Instead of trying to work around Ohio, we again call on Rover to be forthright and provide us with information so we can ensure the environment and citizens are protected."

Rover, meanwhile, argues the state is attempting to besmirch the company in order to gain more leverage in Ohio's ongoing lawsuit. And it accuses state regulators of not fully reading the company's filings in its "haste to cast aspersions."

"Ohio EPA's letter is the latest in a string of baseless claims regarding Rover that attempt to denigrate Rover to advance its own litigation position," Rover's response reads. "Notwithstanding that Ohio EPA does not have jurisdiction in this matter, Rover, on a voluntary basis, has cooperated with Ohio EPA regarding all of its inquiries irrespective of jurisdiction, including on potential impacts from Rover's construction activities."

The OEPA has accused the company of claiming the state has no role in protecting its own environment - an idea the agency called "absurd."

The agency wrote that it "absolutely" expects "to be informed of these troubling threats" and involved in "permitting of any potential impacts to streams and wetlands."

"Moreover, where impacts have occurred, Rover needs to clearly gain our approval of actions to minimize impacts and repair the damage they have done," OEPA added.

The ongoing tiff over those land slips is just one of the conflicts the parties are engaged in. Another dispute arising in recent week centers on the presence of tetrachloroethene or PCE in some drilling fluid returns along the Tuscarawas River.

PCE is a liquid chemical that in high levels is thought to headaches, dizziness, unconsciousness and other effects and it is considered by the government as a potential carcinogen, according to the Ohio Department of Health.

The chemical levels detected in Rover returns registered below the U.S. Environmental Protection Agency's regional screening risk level for direct contact, according to the OEPA, but levels clocked in above the screening threshold of soil leaching to groundwater.

As a result, OEPA asked federal regulators to force Rover to conduct additional sampling along with a separate sampling of drilling fluid source water in an effort to pinpoint the PCE's point of origin.

"These additional samples should be taken immediately and the results submitted to our attention for further evaluation," OEPA wrote.

Rover, in turn, argues that PCE is a "prominent contaminant in the environment" and that Ohio has reported multiple instances of detections in the environment in circumstances not affiliated with the project. The company characterized the levels were "minor and non-hazardous."

"Ohio EPA has documented impacts of PCE contamination in the waters of the state and engaged in several initiatives to achieve attainment," Rover said. "Accordingly, Ohio EPA's new-found concerns are as spurious as they are disingenuous."

#### **New Member Profile: Rep. McClain Follows In Father's Footsteps**

Rep. McClain has worked in business and currently serves as director of finance and customer service for Doc Investments LLC, an online precious metals retailer. The metals retailer was designed to emphasize a low-cost retail model.

"I'm pretty experienced with the changing of what the business market looks like with online retail and some of the opportunities that go along with that," he said.

As state representative, he hopes to focus on policies that will help build small businesses.

Rep. McClain said another important focus for him is on policies that help families. Rep. McClain and his wife have been married for more than 10 years and have three children, ages 2, 4 and 8.

"I'm about Ohio families," he said. "I value the family structure greatly and what that does in setting kids up, and Ohio up, our communities up for greatness."

Promoting families can help communities deal with issues and help each other, he said.

"I want to be an advocate for families taking care of each other, being good stewards of our children and being able to foster environments where people have the resources they need to find the help that they need in their own communities and foster a culture of people helping people," he said.

Rep. McClain said he spends a lot of his time outside of work with his children and family as well as remodeling his house.

He holds a bachelor's degree from Bluffton University and a Master of Business Administration from the University of Findlay.

At Bluffton, Rep. McClain was on the baseball team, playing several positions including shortstop, outfield and pitcher. One summer he traveled Europe with Athletes in Action, a ministry of Campus Crusade for Christ. The team played clubs in France, Germany and the Czech Republic, while also doing ministry activities with children and at camps.

"It was almost a barnstorming tour to spread baseball in Europe," he said.

Although he's familiar with the work of the House after seeing his father's experience, Rep. McClain said he hopes to prove himself and find ways to contribute, he said.

"The hat's on my head now and I'm moving forward to do everything I can to be responsive," he said.

#### **Politics Notebook: Buckeye Institute Highlights Capital Budget 'Pork'; Taylor Picks Up Endorsement; Schiavoni Releases New Ad; Balderson Touts War Chest**

The Buckeye Institute on Monday unveiled its Top 10 Worst Capital Budget Requests of 2018.

All told, the projects highlighted by the Buckeye Institute total more than \$18 million, according to the report.

Among the projects singled out is \$4 million for a Major League Soccer stadium in Cincinnati, \$2.5 million to expand the Cleveland Museum of Natural History and \$5 million for the COSI Connection Corridor.

"If these, and other pork projects in the budget, were funded using local or private dollars, as they should be, Ohio could have at least \$85 million more that it could spend on pressing state priorities, save, or better yet, return to taxpayers," Greg R. Lawson, research fellow at Institute, said in a statement.

Mr. Lawson also lamented the lack of funding for strengthening the state's physical and democratic infrastructure.

"Policymakers should do more to heed our call to focus the capital budget on strengthening Ohio's physical and democratic infrastructure and move away from projects of predominately local interest," he said. "Simply put, it is hard to see how it benefits someone in Youngstown for Cincinnati to get a soccer stadium or how people in Cleveland benefit from renovations to COSI."

**Taylor Endorsement:** Lt. Gov. Mary Taylor on Monday picked up an endorsement in her gubernatorial bid in the form of U.S. Sen. Steve Daines (R-Mont.).

In announcing his endorsement, Mr. Daines said he has known Ms. Taylor's running mate, Nathan Estruth, for many years.

"Lt. Governor Mary Taylor is a conservative who has and will continue to challenge the status quo establishment in Ohio. It is important to elect leaders in states across the country - and especially in the swing state of Ohio - who will fight for a bold conservative agenda alongside the people's representatives in Washington," he said in a statement.

"We need more private sector experience and principled conservatives to tame the over-reach of government at the federal and state levels, and the Mary Taylor/Nathan Estruth ticket are the only ones in either party who bring that for the people of Ohio."

Added Ms. Taylor in a statement: "Senator Daines' support today and over the next 68 days adds to our growing momentum as conservatives across Ohio and the country rally around my campaign as the true conservative in this race."

**New Ad:** Sen. Joe Schiavoni (D-Boardman) is out with a new ad in which he highlights his desire to create opportunities for future generations.

The 30-second spot, "For Them," features Sen. Schiavoni's family, including his two children.

"As a parent, everything you do is for them. The simple lessons, the big decisions, you want them to succeed," he says in the ad. "But you worry - what opportunities will be there for them?"

**Balderson War chest:** The congressional campaign of Sen. Troy Balderson on Monday announced that it has raised \$300,000 in the eight weeks since the Zanesville Republican officially entered the race.

"This campaign has had non-stop momentum since day one, and I could not be more grateful to the many contributors of this effort," he said in a statement. "So many people from my Senate District and throughout Central Ohio have asked to be a part of our campaign because they know that my conservative record makes me the best candidate to help fix a broken Washington."

**Supplemental Agency Calendar**

**Thursday, March 15**

Criminal Sentencing Commission, 31st Fl., 77 S. High St., Columbus, 10 a.m.

**Supplemental Event Planner**

**Tuesday, March 6**

Sen. Rob McColley (R-Napoleon) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m.,  
(Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for McColley)

**Wednesday, March 7**

Ohioans to Stop Execution news conference on clemency hearing, Ladies Gallery, Statehouse,  
Columbus, 10 a.m.

**Monday, March 12**

Sen. Steve Wilson (R-Maineville) fundraiser, Queen City Club, 331 E. Fourth Street, Cincinnati, 5  
p.m., (Host: \$5,000 | Sponsor: \$2,500 | Supporter: \$1,000 | Attendee: \$500 to Steve Wilson for  
Ohio)

**Tuesday, March 13**

Rep. Anne Gonzales (R-Westerville) fundraiser, The Keep, 50 W. Broad Street, Columbus, 4:30  
p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for Anne Gonzales)  
Sen. Stephanie Kunze (R-Hilliard) & Rep. Mike Duffey (R-Worthington) fundraiser, Pins Mechanical  
Co., 6558 Riverside Drive, Dublin, 5:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$250 to  
Citizens for Stephanie Kunze and/or Citizens for Duffey)

**Wednesday, March 14**

Sen. Bill Coley (R-Liberty Twp.) fundraiser, Pub Mahone, 31 E. Gay Street, Columbus, 5 p.m.,  
(Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Friends of Bill Coley)

**Tuesday, March 20**

Sen. Bob Hackett (R-London) & Sen. Lou Terhar (R-Cincinnati) fundraiser, Athletic Club of  
Columbus - Gold, 136 E. Broad Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest:  
\$350 to Hackett for Ohio and/or Friends of Lou Terhar)

**Wednesday, March 21**

Sen. President Larry Obhof (R-Medina) fundraiser, Athletic Club of Columbus - Crystal, 136 E.  
Broad Street, Columbus, 7:30 a.m., (Sponsor: \$2,500 | Host: \$1,000 | Guest: \$500 to Citizens for  
Obhof)

**Tuesday, April 10**

Sen. Gayle Manning (R-N. Ridgeville) & Sen. Stephanie Kunze (R-Hilliard) fundraiser, Buckeye  
Bourbon House, 36 E. Gay Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350  
to Committee to Elect Gayle Manning and/or Citizens for Stephanie Kunze)

**Wednesday, April 11**

Sen. Bob Peterson (R-Sabina) & Sen. Steve Wilson (R-Maineville) fundraiser, Athletic Club of  
Columbus - Lounge, 136 E. Broad Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 |  
Guest: \$350 to Peterson for Good Government and/or Steve Wilson for Ohio)

**Tuesday, April 17**

Sen. Scott Oeislager (R-N. Canton) & Sen. Frank Hoagland (R-Adena) fundraiser, Athletic Club of Columbus - 136 E. Broad Street, Columbus, 5 p.m., (Checks to Oeislager for Ohio Committee and/or Hoagland for Ohio)

**Wednesday, April 18**

Ohio University State Government Alumni Luncheon, Athletic Club, 136 E. Broad St., Columbus, 11:30 a.m., (Social: 11:30 am; Luncheon: 12 pm)

Sen. Jay Hottinger (R-Newark) & Sen. Matt Dolan (R-Chagrin Falls) fundraiser, Pins, 141 N. 4th Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for Hottinger and/or Friends of Matt Dolan)

**Tuesday, April 24**

Rep. Andy Brenner (R-Powell) fundraiser, Athletic Club of Columbus - Parlor A/B, 136 E. Broad Street, Columbus, 11:30 a.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Brenner for Ohio)

Sen. Matt Huffman (R-Lima) & Sen. John Eklund (R-Chardon) fundraiser, Pins, 141 N. 4th Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Matt Huffman for Ohio and/or Friends of John Eklund)

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Click the  after a bill number to create a saved search and email alert for that bill.

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**From:** Senate Majority Communications  
**Sent:** Wednesday, March 21, 2018 11:10 AM  
**To:** Griffin, Lisa  
**Subject:** RELEASE: Obhof Discusses Regulatory Reforms Necessary for Ohio's Economic Prosperity

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## **Obhof Discusses Regulatory Reforms Necessary for Ohio's Economic Prosperity**

*Ohio's 246,852 Restrictions Far Surpass Neighboring States*

COLUMBUS—Ohio Senate President Larry Obhof (R-Medina) today called for additional reforms of Ohio's regulatory environment. He was joined by Dr. James Broughel of the Mercatus Center at George Mason University, who recently completed a study on the number of regulatory restrictions the state imposes, and Robert Alt, President and CEO of the Buckeye Institute.

AThe Mercatus Center has studied the regulatory environments of 22 states so far as part of its ongoing "State RegData" project. Their study concluded that Ohio is one of the most heavily regulated states they have analyzed, trailing only New

York and Illinois, and far surpassing the neighboring states of Michigan, Pennsylvania, Kentucky and West Virginia.

"Unnecessary red tape and regulation is stifling the potential of Ohio's small businesses, which in turn limits job opportunities for Ohioans," said Obhof. "The legislature has a responsibility to make sure any rules or regulations created by state government have a specific purpose and intent to protect our citizens and do not create needless barriers to growth and opportunity."

"With more than 246,000 regulatory restrictions on the state's books, policy makers in Ohio should be considering regulatory reform as a way to boost growth," said Dr. James Broughel of the Mercatus Center.

In response to the study, President Obhof highlighted the opportunity to reduce red tape bureaucracy while continuing to provide Ohioans with necessary health and safety protections. He identified today several ways the legislature could consider modernizing Ohio's Administrative Code and reducing cumbersome regulations, including:

- Tracking and accounting of the total number of restrictions in Ohio;
- Allowing for a more thorough review process of which regulations are effective and which are outdated or duplicative.
- Setting a reduction goal to bring Ohio more in-line with the national average, and consider placing a cap once that goal is achieved.
- Consider eliminating two rules for every new one that is created for the next three years, or until the reduction target is met.

Today's press conference and presentation by the Mercatus Center is archived on The Ohio Channel. The Mercatus study "A Snapshot of Ohio Regulation in 2018" can be found here.

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# # #

Senator Obhof represents the 22<sup>nd</sup> Ohio Senate District, which encompasses all of Medina, Ashland and Richland counties as well as portions of Holmes county. He currently serves as President of the Ohio Senate. For more information, please visit [www.ohiosenate.gov/obhof](http://www.ohiosenate.gov/obhof). For a high resolution photo of Senator Obhof, click [here](#).

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Release Date: Wednesday, March 21, 2018

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**From:** Senate Majority Press Office  
**Sent:** Wednesday, March 21, 2018 12:01 PM  
**To:** Griffin, Lisa  
**Subject:** STATEMENTS: NFIB, Buckeye Institute, Farm Bureau and Others Support Additional Regulatory Reform in Ohio

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## **Strong Support for Additional Regulatory Reform in Ohio**

= ACOLUMBUS - The following individuals and organizations support Senate President Larry Obhof's call today for additional regulatory reforms in Ohio.

An archive of the Senate President's press conference with Dr. James Broughel of the Mercatus Center can be viewed [here](#). The Mercatus study, "A Snapshot of Ohio Regulation in 2018" can be found [here](#).

**Robert Alt, President and CEO**

**The Buckeye Institute**

"Ohio has achieved significant reform under the leadership of Senate President Obhof, who has made rolling back unnecessary and counterproductive regulations a priority. We are pleased that new research from the Mercatus Center makes the case to continue the vital work of reducing the regulatory burden on Ohioans and their businesses. One area ripe for reform is the state's burdensome occupational licensing regime, which has forced people to spend hundreds if not thousands of dollars to earn a license that in many cases does little-to-nothing to ensure the public's health or safety. It is time to end this type of permission slip policy."

**Roger Geiger, Vice President and Executive Director**

**National Federation of Independent Business (NFIB)-Ohio**

"NFIB studies show over-regulation ranks as one of the top three problems among our members. Small business owners face regulatory compliance costs that are 67 percent higher than big businesses, adding up to \$19 billion a year. The study by the Mercatus Center at George Mason University shows just how onerous it can be for someone running a business to understand all the regulation in Ohio that may impact them. We applaud Senate President Obhof for his focus on looking to reduce the regulatory burden for Ohio entrepreneurs."

**Adam J. Sharp, Executive Vice President**

**Ohio Farm Bureau Federation**

"Farmers are not opposed to regulation. They're opposed to regulations that accomplish

no proven benefit, are in conflict with one another and are changed arbitrarily. Farm Bureau supports efforts to protect all Ohioans through a regulatory process that is transparent, consistent, practical, economically feasible and based on science and credible data."

**Scott Wiley, President and CEO**

**The Ohio Society of CPAs**

"CPAs work closely with Ohio business owners and have seen firsthand the negative ripple effect excessive regulations and related reporting can have on a company's bottom line. Complying with burdensome rules that don't serve a reasonable public purpose cost a business time and money – resources that are much better spent growing their business and creating jobs. OSCPA supports the Ohio Senate's leadership in further cutting regulatory red tape."

**Gordon M. Gough, President and CEO**

**Ohio Council of Retail Merchants**

"On behalf of our more than 7,000 members, the Ohio Council of Retail Merchants appreciates the Senate's acknowledgement that a comprehensive review of Ohio business regulations is in order. We welcome an in-depth examination to help identify overly-burdensome requirements that adversely affect the bottom lines of our members. We applaud President Obhof, Senator McColley and the members of the Ohio Senate for their continued efforts to improve the business climate in our state."

**Keith Lake, Vice President, Government Affairs**

**Ohio Chamber of Commerce**

"Regulations have a sizable impact on free enterprise, and a disproportionate impact on small businesses. And working to reduce the impact of regulations remains a top priority for the Ohio Chamber of Commerce. That's why the Mercatus Center report we learned about today is alarming, especially the fact that Ohio's Administrative Code contains

almost 250,000 regulatory restrictions – nearly twice as many as the average state and vastly more than our neighboring states. Through the Common Sense Initiative, Ohio has made some great strides since 2011 in cutting bureaucratic red tape and making sure agency regulations are as effective and business-friendly as possible. In fact, CSI has rescinded more than 1,000 rules and amended more than 1,200 other rules, which has helped make Ohio's rules more job-friendly. The Mercatus Center report shows even more common sense may be necessary to make Ohio more attractive for job growth.”

**Joe Rosato, Director, Government Affairs**

**Ohio Restaurant Association**

“The Ohio restaurant industry serves thousands of customers whose health and safety is a top priority. In addition to federal regulations, complicated and excessive state regulations hinder opportunities for growth among our members. The ORA supports any common sense initiatives that progress the restaurant and foodservice industry, employing more than 575,000 and 10% of Ohio’s workforce, while maintaining the highest standards of safety.”

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Release Date: Wednesday, March 21, 2018

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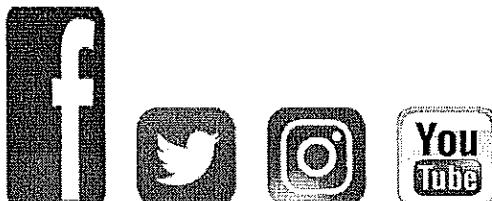
**MAJORITY CAUCUS MEDIA CONTACT:**

John Fortney

Senate Majority Communications

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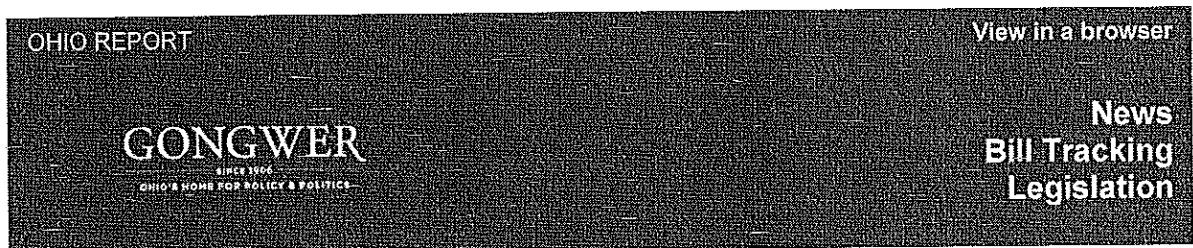
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## OHIO REPORT FRIDAY, APRIL 20

**Energy Standards Bill Timeline Unclear As Another Wind Setback  
Proposal Is Introduced**

**State Unemployment Drops To Lowest Level In More Than 16 Years**

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**Event Planner**

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## **Daily Activity Planner for Saturday, April 21- Monday, April 23**

### **Legislative Committees**

No legislative committees scheduled.

### **Agency Calendar**

#### **Monday, April 23**

**Controlling Board, North Hearing Rm., Senate Bldg., Columbus, 1:30 p.m.  
Human Trafficking Commission, 18th Fl., 150 E. Gay St., Columbus, 2 p.m.**

### **Event Planner**

#### **Saturday, April 21**

**YMCA Youth & Government High School State Assembly 2, Statehouse,  
Columbus**

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Columbus Ohio 43215  
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## Volume #87, Report #77 - Friday, April 20, 2018

### Energy Standards Bill Timeline Unclear As Another Wind Setback Proposal Is Introduced

Senate President Larry Obhof this week referred to ongoing talks over the state's energy standards and wind turbine setback revisions as "a long-term project."

The remark lends further uncertainty to the timeline in which Senate Republicans hope to roll out a substitute bill on a measure (HB 114) that in its current form waters down the state's renewable and energy efficiency benchmarks.

Earlier this month, Sen. Obhof had predicted a sub bill could be ready "in the next few weeks." (See Gongwer Ohio Report, April 6, 2018)

But asked this week about the Senate's priorities in the coming weeks, Sen. Obhof (R-Medina) said: "We've talked a number of times about energy, and particularly 114 probably now is a long-term project."

Sen. Obhof had previously labeled the measure a priority for the first part of the year but the timeline has been pushed back at every juncture as lawmakers grappled with a congressional redistricting ballot issue (SJR 5), the capital budget (HB 529) and other pressing proposals.

Sen. Bill Beagle (R-Tipp City) and Sen. Troy Balderson (R-Zanesville) are spearheading talks on that sub bill but have said the timeline and the extent of the changes to the legislation remain unclear. The caucus has yet to reach a consensus on the plan the senators presented behind closed doors last month. (See Gongwer Ohio Report, March 23, 2018)

Changes to loosen the state's setbacks for wind turbines are expected to be a component of the sub bill and advocates have continued pressing lawmakers in recent weeks to walk back restrictions put in place in a 2014. (See Gongwer Ohio Report, April 12, 2018)

Rep. Fred Strahorn (D-Dayton) on Tuesday introduced his own standalone measure to reduce setbacks (HB 604). His plan joins several other legislative efforts to accomplish that feat, including proposals from Sen. Matt Dolan (SB 238) and Sen. Michael Skindell (SB 184).

The minority leader's proposal would require turbines to be no closer than 1,125 feet from the tip of a turbine to the exterior of the nearest habitable residential structure. Current law, in contrast, measures the distance from the structure's property line.

The measure would also make permanent tax exemptions for tangible personal property of a qualified energy project using renewable energy resources under certain conditions.

Trish Demeter, the Ohio Environmental Council's vice president of energy policy, welcomed the latest attempt.

"I applaud Leader Fred Strahorn for proposing HB604 - a bill which if passed, would pave the way for full scale wind development in Ohio," Ms. Demeter said.

"For too long, Ohioans have missed out on trends towards wind energy due to unnecessarily large setbacks from property lines. Fixing the wind setback issue is critical for further development of wind energy across the state, and bringing Ohio up to speed in the growing clean energy economy."

#### **State Unemployment Drops To Lowest Level In More Than 16 Years**

Ohio's unemployment rate dropped a notch to 4.4% in March, maintaining a positive trend of recent months and reflecting the best report since August 2001, according to the Department of Job and Family Services.

The March rate was a drop from 4.5% in February 2018, the agency reported. Total employment increased 10,800 over the month to 5,579,200, and the number of unemployed was down 9,000 to 253,000.

The unemployment total has dropped by 40,000 since March 2017, when the rate was 5.1%, and the state has seen an increased of 54,400 jobs during that period, according to state data compiled in conjunction with the federal Bureau of Labor Statistics.

"Another strong jobs report out today," Gov. John Kasich stated on his Twitter account. His statement was accompanied by a GIF of actor Chuck Norris giving a thumbs-up.

"Since 2011, Ohioans have created 501,000 new private sector jobs, and unemployment is the best it's been since 2001," Mr. Kasich said. "We've come a long way since 2010. Let's keep it going, Ohio!"

Senate President Larry Obhof (R-Medina) said the number of new private jobs reflected an important milestone for the state. The positive news shows the GOP-run legislature's policies are working, he said.

"We work diligently to not only create an environment of possibilities for Ohio's job creators but also to ensure Ohioans from all backgrounds are prepared to take advantage of those opportunities," Sen. Obhof said in a release.

"We've done this through creating a jobs-friendly business environment, developing a jobs-ready workforce and empowering Ohio's small businesses, the backbone of our economy. While this is an important milestone that shows Ohio's policies are working, we have much more to do, and we will continue to build on this progress."

Despite the recent gains, Ohio still lags the nation, as the U.S. unemployment rate for March was 4.1%. That figure was unchanged from February and down from 4.5% in March 2017.

During a month when most sectors saw job gains, the best performers were the private service-providing sector, which added 5,700 positions, as well as trade, transportation, and utilities (+3,400). ODJFS noted the most significant losses in information (-700) and other services (-500).

Agency spokesman Bret Crow said eight industries or sub-sectors experienced record-high employment levels. They are: transportation, warehousing and utilities; finance and insurance; educational and health services; educational services; health care and social assistance; leisure and hospitality; accommodation and food services; and state government.

The March gains in the construction industry, which was up 1,200 jobs, represented the third consecutive month of steady job growth in the sector, which has gained 5,700 jobs over the last year, Mr. Crow said.

In addition, the state versus federal comparison on job growth favored Ohio, as the state added jobs at a rate that was more than double the national rate, or 0.19% versus 0.07%, he said. And the average weekly earnings for Ohioans is up \$3.14 compared to last month and \$28.45 compared to last year, both outperforming the national rate.

"It's an across-the-board positive report with lower unemployment and new job growth that doubled the nation's," Mr. Crow said.

Andrew J. Kidd, senior economist with the Economic Research Center at The Buckeye Institute, said the latest jobs report shows "Ohio's job market is allowing individuals who desire jobs to get jobs."

"However, Ohio has yet to reach the national unemployment rate of 4.1%, he added. "This, as well as a labor force participation rate lower than the national average, shows that Ohio still has work to do. The right reforms, such as closing tax loopholes and removing unnecessary barriers to employment through occupational licensing, would create opportunities for sustained job growth."

"Ohio in 2018 has experienced positive job growth. Yet, another month of an unchanged labor force participation rate once again implies that some individuals are still not searching for jobs," Mr. Kidd added.

Hannah Halbert, researcher with Policy Matters Ohio, said the state has gained more jobs in the first three months of 2018 than in all of 2017.

"While labor force participation suggests there is still room for improvement, Ohio's labor market is finally tightening," she said. "Even so, many jobs pay too little and offer too-few hours, making it nearly impossible to afford basics like food and health care without

public support. Raising the minimum wage, restoring the 40-hour work week, and supporting paid leave would make the most of this tighter labor market and help rebuild a path to the middle class."

Ms. Halbert said Ohio continues to underperform the nation's 12-month rate for job growth and has "vastly underperformed" the rest of the U.S. since the 2005 tax overhaul was enacted.

"Ohio is not out of the woods. A bad month or two could erase this streak and more months of solid growth are needed to take up the remaining slack in our labor market," she said.

### **Senator Backing Medical Marijuana Audit Bill Supports Review By Commerce Department**

A senator who sponsored legislation to require an audit of the medical marijuana licensing process said he's supportive of efforts by the Department of Commerce to perform its own review.

Sen. Bill Coley (R-Liberty Twp.) introduced a proposal (SB 264) in February to require a state auditor investigation of DOC's awarding of provisional licenses for medical marijuana growers, including a set timeframe for the review and the awarding of certificates of operation.

It was intended to remove any clouds of suspicion or impropriety from the licensing process, the sponsor said. (See Gongwer Ohio Report, February 22, 2018)

That measure had its first hearing this week in the Senate Health, Human Services & Medicaid Committee. (See Gongwer Ohio Report, April 17, 2018)

Since February, DOC and other agencies involved in the medical marijuana program have worked to tamp down expectations for the initiative's Sept. 8 go-live date, saying it's unlikely all license recipients will be operational by then. (See Gongwer Ohio Report, April 5, 2018)

The agency worked with an attorney general-appointed special counsel to hire a third-party auditor to review the scoring and find possible improvements. The department reported Friday that Ernst & Young was retained for the work, which does not have a set deadline for completion but is expected to take "a matter of weeks" to finish.

Sen. Coley complimented the department on that effort and said the goal of his legislation is simply to ensure the state has a fair process.

"You could easily argue that they're already doing those things," he said in an interview. "I want to make sure it gets done and it gets followed through."

He encouraged the department to work with the auditor's office to ensure the process is thoroughly reviewed.

"I support Commerce going through and looking at the whole thing, re-scoring if necessary and awarding additional licenses if warranted," he said. "I think that's all a good thing and it would be for the benefit of all patients and the state of Ohio."

Sen. Coley said he's confident the department will correct any issues.

"I think they realize that some mistakes were made and they want to correct them," he said.

DOC will go before the Controlling Board Monday to request more than \$5 million for staffing, legal costs and other expenses for the medical marijuana program. (See Gongwer Ohio Report, April 16, 2018)

### **High Court To Hear Traffic Camera Case**

The battle over automated traffic cameras will continue next week with the latest front being the Ohio Supreme Court.

The city of Toledo and the state are at odds over a previous budget (HB64, 131<sup>st</sup> General Assembly) provision that allows the state to reduce Local Government Fund distributions for non-compliance with traffic camera restrictions (SB342, 130<sup>th</sup> General Assembly), some of which were struck down by the high court. (See Gongwer Ohio Report, July 26, 2017)

Ten days prior to the traffic camera restrictions becoming law, the city asked for and received an injunction from the Lucas County Common Pleas Court, the high court reported.

Lawmakers then passed the biennial budget containing the LGF reduction provisions. The city again asked for and received an injunction from the trial court, which found the state would be in contempt if it withheld funding from cities based on non-compliance with a law found to be unconstitutional.

The Sixth District Court of Appeals upheld the ruling, leading to the state appeal to the high court, where it argues the budget provision is a reporting requirement and a formula for discretionary spending. (Docket)

"Toledo has no 'home rule' right to receive money from the General Assembly," the state writes in a brief. "It is not 'losing' money that it has, but rather choosing to give up money in order to run its traffic-camera program as it sees fit."

The state also contends that the city should have been required to file a separate lawsuit in the matter and that the injunction is a violation of separation of powers.

"The Sixth District's holding invades the legislative power and exceeds the judicial power because courts do not have roving license to enjoin legislation," the state argues. "Courts must instead draw the power to block legislation from specific constitutional prohibitions."

The city, however, claims that lawmakers are seeking to coerce compliance with unconstitutional laws.

It also argues that the state is the guilty party when it comes to the violation of separation of powers.

"If the General Assembly could simply ignore the judicial branch any time legislation is struck by withholding funds to those entities that do not comply with the unconstitutional legislative acts, then there is no separation of powers because the legislature would reign supreme," the city writes in its brief.

"This type of legislation is not a 'new' law that merits a separate lawsuit and separate constitutional analysis, but moreover an affront to the authority of the judiciary. The Penalty Provisions try to avoid judicial control by reenacting unconstitutional laws."

The case is slated for oral arguments as another measure (HB 410) authored by the primary sponsor of the 2014 law works its way through the General Assembly.

Rep. Bill Seitz's (R-Cincinnati) legislation would eliminate the use of administrative hearings when a civil citation is issued for a traffic violation recorded by a photo-monitoring device and require local governments that use traffic-monitoring devices to annually file a report with the tax commissioner detailing how much revenue is generated from their use which will then be subtracted from the LGF distribution.

The court will hear three other cases next week:

- In *State v. Dunson*, a Montgomery County man convicted of murder and aggravated robbery will ask the justices to set aside \$6,199 in court costs.
- The court in *East Manufacturing v. Testa* will determine if a Portage County company is eligible for a use tax exemption for the purchase of natural gas it uses to heat six buildings where aluminum truck trailers are constructed.
- A bank will argue that despite federal rules requiring a face-to-face meeting with a borrower after three missed mortgage payments prior to proceeding with a foreclosure it should be allowed to move forward because the meeting occurred during court-ordered mediation after the second attempt to foreclose in the case of *Wells Fargo Bank v. Burd*.

**Candidates Stress Experience In House District 26 Primary**

A Columbus City School Board member and a law clerk with a background in youth advocacy each say their breadth of experience make them the ideal candidates for the 26<sup>th</sup> House District.

The Democrat-leaning district is currently represented by Rep. Hearcel Craig (D-Columbus), whose bid for the Senate is opening the path for a new face. Michael Cole, 45, and Erica Crawley, 37, are both working to secure the Democratic nomination, after which the victor will likely face Republican Shareeqe Sadiq in November.

Mr. Cole said he has a track record of "having gotten things done in the most tough circumstances" thanks to his two terms on the school board.

"It's one thing when the whole deck's lined up for you and you're accomplishing some things of the work and will of people," he said. "It's another to have every kind of almost insurmountable obstacle against you whether it's state, federal, local discontent for something and still move the needle of achievement."

Ms. Crawley, while touting her own experience, credits her desire to enter public office to her great aunt who in 2007, shortly before her death, asked her during a conversation on political leaders, "Why not you?"

"She was never elected, never interested in politics per se, but she gave her time," Ms. Crawley said. "She spent a lot of time with the church, with homeless families. She never met an enemy. People loved my aunt and she loved people. I would hope she would be proud of me if I could be half the woman she was and make the impact she made."

Mr. Cole is originally from Cleveland but first came to Columbus as a student at Ohio State University. "This city kind of had me at hello," he said.

He picked up a master's degree in communication at Seton Hall University and then chose to return to Columbus where he sought out service opportunities including a five-year stint as area commissioner in Westgate.

"The opportunity and potential that this city offers I think is tremendous," Mr. Cole said. "I think it was almost a spiritual calling to end up in this city."

He said he worked on neighborhood safety and beautification issues, before segueing into politics and hosting a public affairs radio show. He was first elected to the school board in 2013 and reelected last year. He's currently vice president of the board, which is dominated by Democrats.

"I came with the mindset of working to ensure and strengthen accountability, curriculum, transparency and safety in the district," Mr. Cole said. "I'm committed to bringing that same mindset to the Statehouse."

Even though it contains solely Democrats, he said, the school board has taught him valuable lessons.

"Even if everyone's on the same page from the politics standpoint everyone brings different points of view, skills, knowledge and attitude," Mr. Cole said. "Working among a body politic making decisions and brokering decisions...on matters that effect people is something I've tremendously learned from this experience."

Ms. Crawley is also a transplant, hailing originally from Youngstown. She spent 2000-2003 serving in the United States Navy in Virginia. After giving birth to twin girls - Hope and Faith, who are now 13 - she moved to Cleveland where she finished her college degree in criminology with a focus on juvenile delinquency.

Next was a stint in Atlanta where she received her masters and had an array of jobs centered on supporting youth including work for the Black Child Development Institute and the Court Appointed Special Advocate program.

She returned to Columbus where she attended Capital University Law School, graduating in 2017 with a concentration in civil litigation. Following that, she clerked for Honda North America and since 2016 has clerked for Eastman and Smith's Columbus office.

Both candidates list education as a central plank of their platforms. For Ms. Crawley that means ensuring equal access to quality education.

"I am an advocate for universal Pre-K," she said. "But also making sure all of our children have the same opportunities. Addressing school funding and school resources definitely plays a part."

She said she also wants to expand trade school options for young students and to focus on economic development.

"Especially in the 26<sup>th</sup> District there is disinvestment and underinvestment in that community," she said. "I would love to focus on micro-business and small businesses and making sure my neighbors have access to those resources."

She added she'd press for equal access in other areas, such as healthcare, including addiction and mental health support services.

"With that, making sure our aging population has the services they need," Ms. Crawley added. "There are a lot of grandparents taking care of their grandchildren and they don't have the resources necessary to do that effectively."

On the education front, Mr. Cole said he wants to restore consistency, including possibly by requiring five-year curriculum plans. He likened his experience on the board to being Harry Houdini locked in a box with the key inside as he's thrown over Niagara Falls.

"I find out a lot of what confines public schools period...is they are all boxed in by state laws that don't take consideration to how certain things affect us," he said. "From funding to property taxes to education and curriculum and how important it is to make sure it's steady, consistent."

In other areas, Mr. Cole said he wants to alleviate property tax burdens and create more opportunities for mixed income housing.

"I think there are any number of ways we can look at funding public education that doesn't solely fall on the backs of property owners, particularly in poor communities," he said. "I think we can do some income tax sharing. ... I think there are some win-wins. We just have to turn over some stones."

Ms. Crawley said she's the candidate voters should turn to if they seek experience thanks to a career and life experience span the spectrum from nonprofit to for-profit, military and civilian.

"I've had a commitment to being of service to others," she said. "If you look at my career either professionally or in volunteerism...I have always had a commitment to making a difference in the communities in which I lived and making a difference especially for individuals who come from poverty or low-income families."

Mr. Cole and his wife Lee have three children, ages 21, 15 and 14. He is a substitute social studies teacher who enjoys motorcycles and muscle cars.

In addition to spending time with her daughters, Ms. Crawley said she collects books, particularly of the professional development variety or autobiographies.

**Subscribers Note:** This story is part of a series focusing on key primary races for Ohio legislative seats. See Gongwer's Election Page for more information on 2018 contests, including our Key Races.

### **OPA: Pharmacists Can Serve As Educators In Opioid Struggle**

From asking customers to question potentially counterfeit pills to teaching them how to dissolve old medication in cat litter or coffee grounds, Ohio's pharmacists have a key role in fighting the state's opioid epidemic.

That was the message from officials with the Ohio Pharmacists Association to the nearly 1,000 pharmacists and students who attended the group's 140<sup>th</sup> annual conference and trade show Friday at the Greater Columbus Convention Center.

Ernie Boyd, executive director of the OPA, said pharmacists and the public need to "keep the pressure on" to get patients to request other medications and medical professionals to write fewer prescriptions for opioids.

Mr. Boyd said over-the-counter drugs can be a fine alternative to prescription opiates. He said he thinks it was a "major mistake" to allow ibuprofen and other anti-inflammatory or pain-relief medication to be sold without a prescription.

"In the public's mind, (ibuprofen) is as innocuous as cheese or rutabaga because it's sold next to those products," he said. "I think that's insane. These are very potent drugs."

The public tends to believe prescription drugs inherently are more effective and over-the-counter drugs safer, Mr. Boyd said, adding that's not always the case.

The convention included a demonstration of multiple ways people can dispose of old or unneeded medication, from using specialty kits to mixing it with water and coffee grounds or cat litter to make it unpalatable to animals and children. Mr. Boyd said pharmacists can explain the importance and methods of disposal and serve on local drug task forces to assist in the opiate fight.

The group also advised pharmacists to explain the importance of avoiding medication from potentially dubious sources, whether it be an acquaintance or an online retailer.

"The large majority of internet sites are (fraudulent)," Mr. Boyd said. "Ninety-eight percent of the online pharmacies are not pharmacies at all. They're fake."

He said counterfeit pills may look virtually indistinguishable from pills produced by the actual manufacturer and could include powerful opioids such as fentanyl and carfentanil. The consequences of consuming the bootleg drugs range from addiction to death.

Dr. Michael Ybarra, deputy vice president of advocacy and strategic alliances at PhRMA, said the public needs to get medicine from a trustworthy source. He said buying from "rogue online pharmacies" can be a dangerous move.

"The safest thing to do is to buy at a pharmacy," he said. "The U.S. distribution system is totally closed (with) FDA inspected facilities."

Mr. Boyd said there are some legitimate online pharmacy sites, which typically feature the National Association of Boards of Pharmacy's Verified Internet Pharmacy Practice Sites logo and have a pharmacy domain names.

The most important advice for members of the public, Mr. Boyd said, might simply be to stop using medication that was not prescribed to them.

"You just don't share any of the stuff, period," he said."

**Medical Pot Program Halt Rejected; Complaint Against DeWine Dismissed; No New Trial For Beck; Buckeye Institute Weighs In On Case...**

A Franklin County judge on Friday declined to put the state's medical marijuana program on hold.

Instead, Franklin County Common Pleas Court Judge Richard Frye will consider the matter again at a May 11 hearing.

"We're pleased that there's been a decision not to pause the program," said Thomas Rosenberger, a spokesman for the National Cannabis Industry Association of Ohio.

The Friday hearing was a result of a lawsuit filed by Ohio Releaf LLC, which was denied a cultivator's license and subsequently sued the Department of Commerce for what it alleges is a failure to comply with public record laws and to hold a timely administrative appeal hearing.

DOC has hired an independent auditor to review its processes. (*See separate story*)

**Dismissed Complaint:** A three-judge panel has dismissed one of four counts of allegedly violating canons of the Ohio Judicial Code of Conduct filed against Ohio Supreme Court Justice Patrick DeWine.

The count alleges that Justice DeWine asked Hamilton County Prosecutor Joe Deters, who had 48 cases pending before the court at the time the complaint was filed, to hire his son for an internship.

The remaining allegations involve Justice DeWine's father, Attorney General Mike DeWine. The complaint alleges Justice DeWine improperly failed to recuse himself from cases in which AG DeWine is named as a party and that he appears on his father's gubernatorial campaign web site.

Justice DeWine has denied all of the alleged charges.

**New Trial:** The nation's highest court has declined to order a new trial for a former state lawmaker.

The U.S. Supreme Court declined to grant the request of former Rep. Peter Beck for a new trial. The decision was issued without comment.

Mr. Beck in 2015 was found guilty of 13 charges and sentenced to serve four years in prison. However, a state appellate court in 2016 overturned 10 charges and Mr. Beck served just 16 months in prison.

**Amicus Brief:** The Buckeye Institute has filed an amicus brief with the Sixth Circuit Court of Appeals asking it to strike down a Tennessee law it says discriminates against outdoor advertisements and signs with ideological messages.

The group said the law, which is designed to be in compliance with the Highway Beautification Act of 1965, is a violation of the First Amendment.

"While we all enjoy a scenic drive and beautiful roadways, the First Amendment is even more precious to Americans and its protections must not be violated in the name of highway beautification," President and CEO Robert Alt said in a statement. "Restricting the placement of outdoor advertisements solely based on the sign's message is a clear infringement of free speech and must be overturned."

**Crew Dispute:** Major League Soccer and the Precourt Sport Ventures, owner of the Columbus Crew, have asked the Franklin County Court of Common Pleas to dismiss a lawsuit designed to prevent the team from moving to Texas.

In a motion to dismiss, the groups call the Art Modell law "blatantly unconstitutional."

"The statute violates the dormant Commerce Clause of the United States Constitution because it both discriminates against out-of-state residents and impermissibly interferes with the defendants' abilities to conduct their business in interstate commerce," the filing reads.

The law requires the owner of an Ohio professional sports team that plans to cease playing most of its home games in the state to provide six months' notice in order to give others an opportunity to purchase the franchise

**Disciplinary Cases:** The Board of Professional Conduct on Friday announced that it has filed 10 disciplinary case reports with the high court.

#### **Issue 1 Backers Tout Endorsements; Cordray Takes Credit For Wells Fargo Fine; Yuko Calls For Action On Guns...**

The bipartisan Coalition for Redistricting Reform, the group backing Issue 1, on Friday announced a slew of endorsements for the ballot measure.

The endorsements include the Ohio AFL-CIO, the Ohio Chamber of Commerce, the Ohio Council of Churches, the Ohio Education Association, the Ohio Environmental Council, the Ohio Farm Bureau and the NAACP Ohio Chapter.

Campaign advisor Keary McCarthy in a statement said the endorsements "truly signal the bipartisan nature of fixing the way we draw our congressional districts in Ohio."

"Our state lawmakers stepped up to make this bipartisan fix to a very partisan problem a reality, and I'm thrilled to see these powerful groups across Ohio come aboard," he added.

**Wells Fargo:** Richard Cordray on Friday weighed in on the news that the Consumer Financial Protection Bureau fined Wells Fargo \$1 billion.

The bureau's former director in a statement sought to downplay the role that acting Director Mick Mulvaney played in issuing the fine.

"Mulvaney has brought no new enforcement actions since he has been at the CFPB," he said. "Investigations that take many months or even years, and that are just now being finalized, are due to the aggressive work my team did to bring predatory behavior to light. To suggest this is the work of Mulvaney, who has done nothing but throw sticks in the spokes of a talented, hard-working CFPB team of devoted public servants is preposterous."

**Gun Legislation:** Senate Minority Leader Kenny Yuko (D-Richmond Hts.) used the anniversary of the Columbine school shooting to call for legislation to reduce gun violence.

Sen. Yuko in a statement commended students who on Friday walked out of school to mark the 19<sup>th</sup> anniversary of the school shooting.

"Our young people have sent us a clear message: we need to act now to protect them. The Senate Democratic Caucus has introduced numerous common-sense proposals to address gun violence and help keep our kids safe. Many of these bills have yet to receive a hearing," he said.

"As a leader in the Ohio Senate, I know we have to do more to stop violence in our schools. Schools should be places where children worry about upcoming math tests, and not about active shooters."

**Gun Rally:** Three gun rights groups on Saturday will hold a "Patriot Day Rally" at the Statehouse.

The 11 a.m. event hosted by Ohioans for Concealed Carry, Ohio Carry and the Buckeye Firearms Association will feature historical information on the role of private gun ownership in the country's founding and immigrants who will talk about their experiences before and after coming to America, according to a release.

**NFIB Endorsement:** Rep. Larry Householder (R-Glenford), a speaker hopeful, has the backing of National Federation of Independent Business/Ohio in his reelection bid, the group announced Friday.

Roger Geiger in a statement said Rep. Householder "understands the issues important to Ohio entrepreneurs as demonstrated by his strong voting record with NFIB."

#### **Sheehy Calls For Further Action On Ag Runoff; OEC Proposes Toxic Chemical Protections**

Rep. Michael Sheehy (D-Oregon) criticized state leaders this week after a recent report showed more work is needed to curb the runoff of phosphorus and other nutrients into Ohio's waterways.

His remarks were centered on the Ohio Environmental Protection Agency's Nutrient Mass Balance Study. The report found "no clear decrease" in nutrient loading, especially from nonpoint sources like agricultural runoff. (See Gongwer Ohio Report, April 17, 2018)

Rep. Sheehy in a statement singled out farmers for their role in contributing to runoff that can fuel harmful algal blooms in Lake Erie.

"This new report shows that despite years of deceptive talking points from powerful industry-representatives in Columbus, we know where all this excess phosphorus pollution has been coming from," Rep. Sheehy said.

"It's not complicated: if you are causing nearly 90% of a problem, you should participate in searching for a solution," he continued. "Instead, their lobbyists have prioritized fighting against policy solutions and even shifting the blame to urban centers that suffer the worst of these consequences."

The Ohio Farm Bureau previously said the report shows that agriculture must play a role in improving water quality. But a spokesman said new regulations aren't needed in the group's view.

**Chemicals:** The Ohio Environmental Council is requesting the U.S. Environmental Protection Agency crack down on toxic chemicals.

The request comes in the form of a petition for rulemaking filed by the council seeking new protections again carcinogen perfluorooctanoic acid and other substances that can be pumped into water and air by manufactures.

"These companies need to stop emitting these chemicals before extensively studying them, and our proposed rules would stop this dangerous practice," said Chris Tavenor, an OEC law fellow.

Copies of the request were also submitted to President Donald Trump, Gov. John Kasich, Ohio EPA Director Craig Butler, Attorney General Mike DeWine and members of Ohio's congressional delegation.

### **Ohio Lands \$26 Million In Federal Opioid Funding; Senators Applaud Disaster Request Approval..**

For the second consecutive year, Ohio is poised to receive a \$26 million funding infusion to buoy efforts to combat the opioid epidemic.

The funding announced this week comes from the 21<sup>st</sup> Century CURES Act passed in 2016. It's part of \$485 million in grants to be divvied up among states this year. Ohio received a similar amount of dollars under the program last year during the first round of funding. (See Gongwer Ohio Report, April 20, 2017)

"This is good news for Ohio, and these new funds will help our efforts to combat the heroin and prescription drug epidemic gripping our state," U.S. Sen. Rob Portman (R-Terrace Park) said in a statement. "This is another positive step forward, but we must do more, and that's why I continue to push for common-sense solutions like the STOP Act and CARA 2.0 that will help us turn the tide of addiction in Ohio and around the country."

U.S. Sen. Sherrod Brown (D-Cleveland) likewise applauded word of the additional funding.

"For too long, Ohio communities have been desperate for the federal government to step up and provide the necessary resources to effectively combat the opioid epidemic," Sen. Brown said. "While we know there is more work to be done, this funding is a meaningful step forward for Ohio. It's important that the state work to get this funding out to local communities quickly as they continue to battle this epidemic."

The dollars are aimed at boosting evidence-based programs and are overseen by the U.S. Department of Health and Human Services.

**Emergency:** Sens. Brown and Portman also welcomed President Donald Trump's approval of Gov. John Kasich's request for disaster assistance following large-scale flooding in February. (See Gongwer Ohio Report, April 17, 2018)

Sen. Brown said the declaration "will go a long way in helping reassure Ohio communities impacted by last month's devastating floods that they are not alone."

Sen. Portman said, "It will allow our affected communities to get much-needed federal assistance following this winter's terrible storms."

**Wright-Patterson:** Ohio delegates urged the Pentagon to pick the Dayton-area Air Force base to house the F-35 Hybrid Product Support Integrator Organization.

Wright-Patterson is "uniquely qualified" to handle that role, which could mean an additional 400 jobs, all of Ohio's senators and representatives wrote to Secretary of the Air Force Heather Wilson.

"Based on the criteria used during the strategic basing process, we believe WPAFB's workforce makes the base the logical location for HPSI," the lawmakers wrote. "The basing process specifically requires acquisition professionals who are Defense Acquisition Workforce Improvement Act certified with tactical fighter support experience, and WPAFB's workforce of engineers, programs managers, logistics managers, and contracting personnel would provide HPSI with an exceptional staff."

#### **Chamber Of Commerce Endorses Issue 1; P&G, Key, More Report Financial Results; Toledo Businesswoman Added To SBAC**

The Ohio Chamber of Commerce has thrown its support behind a ballot issue aimed at reforming the state's redistricting guidelines.

The group's board of directors earlier this week voted to support Issue 1.

"The Ohio Chamber has long recognized the need for sensible changes to the redistricting process and we are pleased to join the bipartisan coalition supporting State Issue 1," President & CEO Andrew E. Doehrel said in a statement. "Job creators know the value of a fair and competitive playing field in the marketplace, and State Issue 1 will bring this element of necessary, healthy competition to congressional campaigns, as well."

Mr. Doehrel said the group twice in the past 15 years opposed redistricting efforts that "did not represent a consensus approach."

**Procter & Gamble:** The Cincinnati-based company saw net sales of \$16.3 billion in the third quarter, up by 4% from the previous year.

Organic sales increased 1% for the quarter ended March 31, P&G reported. Diluted net earnings per share were \$0.95, an increase of 2%.

Operating cash flow was \$3.4 billion for the quarter, while adjusted free cash flow productivity was 95%, according to the company.

P&G returned \$3.2 billion to shareholders via \$1.8 billion of dividend payments and \$1.4 billion of common stock repurchase.

"We delivered modest top- and bottom-line growth in a challenging macro environment in the third quarter," Chairman, President and CEO David Taylor said in a statement. "We have large businesses in several difficult markets. The ecosystems in which we operate around the world are being disrupted and transformed. We will change at an even faster rate -- winning through superiority, cost and cash productivity and a strengthened organization and culture."

**KeyCorp:** The Cleveland-based company reported \$402 million in net income, or \$0.38 per common share, in the first quarter.

The financial services company reported net income of \$296 million over the same period in the previous year.

"First quarter was a good start to the year, with continuing momentum in our core businesses, as we grew and expanded relationships with our targeted clients," Chairman and CEO Beth Mooney said in a statement. "Revenue increased over 3% from the same period last year, driven by a higher net interest income, solid loan growth and stronger fee income."

**First Financial:** The Cincinnati-based bank reported net income of \$30.5 million, or \$0.49 per diluted common share, in the first quarter.

First financial reported net income of \$24.8 million, or \$0.40 per diluted common share, in the previous quarter.

"We are extremely pleased with our strong first quarter performance, representing our 110th consecutive quarter of profitability and top-quartile level returns," Executive Chairman Claude Davis said in a statement. "We are also excited about our recent merger with MainSource which closed on April 1st. We welcome our new colleagues from MainSource and together look forward to building an even stronger company going forward."

**SBAC:** Lt. Gov. Mary Taylor has appointed Jennifer Zalecki to the Small Business Advisory Council.

Ms. Zalecki serves as president and CEO of Toledo-based Battery Wholesale. The company, which Ms. Zalecki's father founded in 1983, operates seven retail stores in the greater Toledo area.

"Jennifer has been an effective small business advocate through her service to the Toledo Regional Chamber of Commerce and has demonstrated her high business acumen through the success of her own company," Lt. Gov. Taylor said.

### **Governor's Appointments**

**Ohio Thoroughbred Race Fund Advisory Council:** Kimpton E. Williams of Waynesville for a term beginning April 20, 2018, and ending January 31, 2021.

**State Board of Emergency Medical, Fire, and Transportation Services:** Capt. Kevin T. Uhl of Sycamore Township for a term beginning April 20, 2018, and ending November 12, 2019.

**Public Benefits Advisory Board:** Dasmine Wright of Columbus for a term beginning April 20, 2018, and ending June 30, 2018.

### **Supplemental Agency Calendar**

#### **Monday, April 23**

Human Trafficking Commission, 18th Fl., 150 E. Gay St., Columbus, 2 p.m.

#### **Friday, April 27**

Accountancy Board, 77 S. High St., Conference Room West B & C, 31st Floor, Columbus, 10 a.m.

17 S. High St., Suite 630  
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Tom Gallick, Staff Writers**

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## Event Planner

Saturday, April 21

**YMCA Youth & Government High School State Assembly 2, Statehouse, Columbus**

Tuesday, April 24

**OAHU Annual Day at the Statehouse, Sheraton Columbus Hotel at Capitol Square, 75 East State Street, Columbus**

Rep. Andy Brenner (R-Powell) fundraiser, Athletic Club of Columbus - Parlor A/B, 136 E. Broad Street, Columbus, 11:30 a.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Brenner for Ohio)

Sen. Matt Huffman (R-Lima) & Sen. John Eklund (R-Chardon) fundraiser, Pins, 141 N. 4th Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Matt Huffman for Ohio and/or Friends of John Eklund)

House Speaker Cliff Rosenberger (R-Clarksville) fundraiser, Club 185, 185 E. Livingston Ave., Columbus, 5 p.m., (Chair: \$3,700; Sponsor: \$1,370 to Committee to Elect Cliff Rosenberger)

Ohio Chemistry Technology Council's 30th Annual Legislative Reception, Renaissance Columbus Downtown Hotel, 50 North Third Street, Columbus, 5:30 p.m.

Ohio Aggregates and Industrial Minerals Association 20th Annual Legislative Reception, Statehouse Atrium, Columbus, 5:30 p.m.

Wednesday, April 25

**American Heart Association/American Stroke Association Advocacy Day, Riffe Center, 77 S. High St., Davidson Theatre, Columbus**

Sen. Bill Beagle (R-Tipp City) and Sen. Peggy Lehner (R-Kettering) fundraiser, Pins, 141 N. 4th Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for Bill Beagle and/or Citizens for Lehner)

Sen. Scott Oelslager (R-N. Canton) & Sen. Frank Hoagland (R-Adena) fundraiser, Athletic Club of Columbus - 136 E. Broad Street, Columbus, 5 p.m., (Checks to Oelslager for Ohio Committee and/or Hoagland for Ohio)

Rep. Jim Hughes (R-Columbus) fundraiser, Valters at the Mannerchor, 976 S. High St., Columbus, 5:30 p.m., (Host: \$1,000, Sponsor: \$500; Patron: \$250, Individual: \$75 to Committee for Jim Hughes)

Thursday, April 26

**Deadline to file pre-primary campaign finance reports**

Rep. Glenn Holmes (D-McDonald) fundraiser, Vernon's Italian Ristorante, 720 Youngstown-Warren Road, Niles, 5 p.m., (Event Sponsor \$1500, Supporter \$1000,

**Friend \$500, Table Sponsor \$300, Individual \$60 to Committee to Elect Glenn Holmes)**  
Rep. Nathan Manning (R-N. Ridgeville) fundraiser, Berry's Restaurant, 15 W. Main Street, Norwalk, 5 p.m., (Sponsor: \$250 to Nathan Manning for Ohio)  
Rep. Anne Gonzales (R-Westerville) fundraiser, Aloft Columbus Westerville, 32 Heatherdown Drive, Westerville, 5:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$250 to Citizens for Anne Gonzales)  
Rep. Hearcel Craig (D-Columbus) fundraiser, The Lincoln Cafè, 740 E. Long St., Columbus, 5:30 p.m., (\$250, \$100, \$50, \$25 to Friends of Hearcel F. Craig)

**Tuesday, May 1**

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**Lobbyists/Employers can begin filing January-April 2018 Activity & Expenditure Reports**

**Wednesday, May 2**

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**Pro-life Legislative Day**

**Thursday, May 3**

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**Rep. Kristina Roegner (R-Hudson) fundraiser, Portage Country Club, 240 N. Portage Path, Akron, 5:30 p.m., (Chair: \$5,000 | Sponsor: \$2,500 | Host: \$1,000 | Guest: \$250 to Kristina Daley Roegner for Ohio)**

**Tuesday, May 8**

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**Primary election day**

**Thursday, May 10**

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**YMCA Youth & Government Model United Nations, Statehouse, Columbus**

**Friday, May 11**

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**YMCA Youth & Government Model United Nations, Statehouse, Columbus**

**Saturday, May 12**

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**YMCA Youth & Government Model United Nations, Statehouse, Columbus**

**Tuesday, May 15**

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**Deadline for most public officials and employees to file personal financial disclosure statements.**  
**Ohio Association of Health Plans Annual Legislative Reception, Statehouse Rotunda, Columbus, 5 p.m., (Please RSVP to Stacy Bewley at [sbewley@oahp.org](mailto:sbewley@oahp.org) or for any questions call (614) 228-4662.)**

**Rep. John Rogers (D-Mentor-on-the-Lake) & Rep. John Patterson (D-Jefferson) fundraiser, Club 185, 185 E. Livingston Ave., Columbus, 5:30 p.m., (Sponsor Levels: Sponsor \$1,000, Host \$500, Friend \$350 to Friends of Rogers and Committee to Elect John Patterson. RSVP with Jenna Gravalis at 551-429-9895 or jgravalis@ohiodems.org)**

### **Wednesday, May 16**

**Ohio Auctioneers Association legislative day**  
**Rep. Michele Lepore-Hagan (D-Youngstown) fundraiser, Einstein Bros. Bagels, 41 S. High Street, Columbus, 8 a.m., (Sponsor \$1,000, Host \$500, Friend \$350 to Michele Lepore-Hagan for State Representative)**  
**2018 Arts Day & Governor's Awards for the Arts in Ohio Luncheon, The Columbus Athenaeum, 32 North Fourth Street, Columbus, 12 p.m.**

### **Tuesday, May 22**

**Ohio Cable Telecommunications Association Legislative Reception & Technology Demo, 77 S. High St., Capitol Theater Lobby, Columbus, 5 p.m.**  
**Rep. David Leland (D-Columbus) fundraiser, Market 65, 65 East State Street, Columbus, 5:30 p.m., (Guest - \$250; Host - \$500; Sponsor - \$1,000; Gold Sponsor - \$2,500 to Friends of David Leland)**

### **Wednesday, May 23**

**Rep. Kent Smith (D-Euclid) fundraiser, Einstein Bros. Bagels, 41 S. High Street, Columbus, 8 a.m., (Sponsor \$1,000, Host \$500, Friend \$350 to Kent Smith Committee)**  
**Rep. John Becker (R-Union Township) fundraiser, Ringside, 19 N. Pearl St., Columbus, 11:30 a.m., (Host: \$1000; Sponsor:\$500; Host:\$350 to Friends of Becker)**  
**Rep. Doug Green (R-Mt. Orab) fundraiser, OHROC , 21 W Broad St. 7th Floor, Columbus, 4:30 p.m., (Host: \$1000; Sponsor: \$500; Host: \$350 to Committee to Elect Doug Green)**

### **Thursday, May 24**

**Rep. Rick Perales (R-Beavercreek) golf outing fundraiser**

### **Thursday, May 31**

**JLEC Deadline for filing January-April 2018 Activity & Expenditure Reports**

### **Friday, June 1**

**Sen. Gayle Manning (R-N. Ridgeville) & Rep. Nathan Manning (R-N. Ridgeville) golf outing fundraiser, Bob-O-Link Golf Course, 4141 Center Road (Rt. 83), Avon, 9:30 a.m., (9:30am Registration | 10:30am Shotgun Start | 3:30pm Appetizers and Awards; , Avon, Ohio 44011 Eagle Sponsor: \$1,500 | Birdie Sponsor: \$750 |**

**Foursome: \$400 | Hole-Sponsor: \$200 | Individual Golfer: \$125 to Committee to Elect Gayle Manning and/or Nathan Manning for Ohio)**

**Monday, June 4**

**Sen. Bob Peterson (R-Sabina) golf outing fundraiser, Crown Hill Golf Club, 9500 U.S. 22, Williamsport, 12 p.m., (12:00pm Lunch | 12:30pm Shotgun Start | 5:00pm Dinner. Tournament Sponsor \$2,000 | Eagle Sponsor: \$1,000 | Birdie Sponsor: \$500 | Hole Sponsor: \$200 | Individual Golfer: \$100 | Dinner Only: \$50 to Peterson for Good Government)**

**Friday, June 8**

**House Speaker Cliff Rosenberger (R-Clarksville) golf outing fundraiser**

**Monday, June 11**

**Rep. Scott Ryan (R-Newark) golf outing fundraiser  
Ohio's 2018 Opiate Conference: Strengthening Ohio's Communities, Hyatt Regency, 350 N. High St., Columbus**

**Tuesday, June 12**

**Ohio's 2018 Opiate Conference: Strengthening Ohio's Communities, Hyatt Regency, 350 N. High St., Columbus**

**Friday, June 15**

**Deadline to file post-primary campaign finance reports**

**Monday, June 18**

**Sen. President Larry Obhof (R-Medina) golf outing fundraiser**

**Monday, June 25**

**Rep. Brian Hill (R-Zanesville) golf outing fundraiser  
Ohio Cable Telecommunications Association Golf Outing, The Lakes, 6740 Worthington Rd., Westerville**

**Monday, July 16**

**Rep. Bill Reineke (R-Tiffin) golf outing fundraiser**

**Thursday, July 19**

**Sen. Matt Dolan (R-Chagrin Falls) Batter Up fundraiser**

**Friday, July 20**

**Rep. Tom Patton (R-Strongsville) golf outing fundraiser**

**Sunday, July 22**

**YMCA Youth & Government Leaders Training School, Statehouse, Columbus**

**Monday, July 23**

**YMCA Youth & Government Leaders Training School, Statehouse, Columbus**

**Tuesday, July 24**

**YMCA Youth & Government Leaders Training School, Statehouse, Columbus**

**Wednesday, July 25**

**YMCA Youth & Government Leaders Training School, Statehouse, Columbus**

**Sen. Rob McColley (R-Napoleon) golf outing fundraiser**

**Thursday, July 26**

**Rep. Craig Riedel (R-Defiance) golf outing fundraiser**

**YMCA Youth & Government Leaders Training School, Statehouse, Columbus**

**Friday, July 27**

**YMCA Youth & Government Leaders Training School, Statehouse, Columbus**

**Tuesday, July 31**

**Deadline to file semi-annual campaign finance reports**

**Friday, August 3**

**Deadline for statewide candidates to file July campaign finance reports**

**Tuesday, August 7**

**Special election for 12th Congressional District seat**

**Thursday, August 16**

**Sen. Bob Hackett (R-London) golf outing fundraiser**

**Monday, August 20**

**Rep. Laura Lanese (R-Grove City) golf outing fundraiser**

**Thursday, August 23**

**Hamilton County GOP State Legislative golf outing fundraiser**

**Saturday, September 1**

**Lobbyists/Employers can begin filing May-August 2018 Activity & Expenditure Reports**

**Thursday, September 6**

**Deadline for statewide candidates to file August campaign finance reports**

**Monday, October 1**

**JLEC Deadline for filing May-August 2018 Activity & Expenditure Report**

**Wednesday, October 3**

**Deadline for statewide candidates to file September campaign finance reports**

**Thursday, October 25**

**Deadline to file pre-general campaign finance reports**

**Tuesday, November 6**

**General election day**

**Saturday, December 1**

**Lobbyists can begin renewing Legislative, Executive and Retirement System registrations for 2019**

**Friday, December 14**

**Deadline to file post-general campaign finance reports**

**Monday, December 31**

**All 2018 Legislative, Executive and Retirement System lobbying registrations expire in OLAC**

**Thursday, January 31**

**Deadline to 2018 annual campaign finance reports**

**Deadline to 2018 annual campaign finance reports**

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**May 1, 2018**

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## **Countdown to Ohio's Primary Election =**

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One week from today, Ohio voters will determine which candidates will face off in the race for Governor, U.S. Senate and a host of federal and state offices. As the primary election nears, the marquee races have clearly tightened. A recent poll shows Mike DeWine leading Mary Taylor by 43-26% in the GOP gubernatorial race, while Richard Cordray holds a 27.5-13% edge over his nearest rival, Dennis Kucinich. While upsets can occur, if the polls hold true, DeWine and Cordray will face off in the fall, giving Ohio voters a rematch of their 2010 race for Attorney General, which DeWine won. In the GOP Senate primary, Congressman Jim Renacci, who scored a resounding endorsement from President Trump last week, is leading a multi-candidate field with 21% to take on Senator Sherrod Brown in the general election.



Other key races to watch will be contested primaries for the 12<sup>th</sup> and 16<sup>th</sup> Congressional Districts, respectively vacated by Pat Tiberi and currently held by Rep. Renacci. There are several contested primaries for the Ohio House of Representatives that could have an impact on who will be the next Speaker of the Ohio House.

**INSIGHT** The first order of business for the winning candidates for governor will be to unite their respective parties. The DeWine-Taylor race has been especially hard hitting and personal, while the Democratic primary has shown deep ideological divisions in the party. Both gubernatorial nominees will have their work cut out for them to present a unified front for the fall campaign.

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## Ohio Tax Expenditure Review Committee

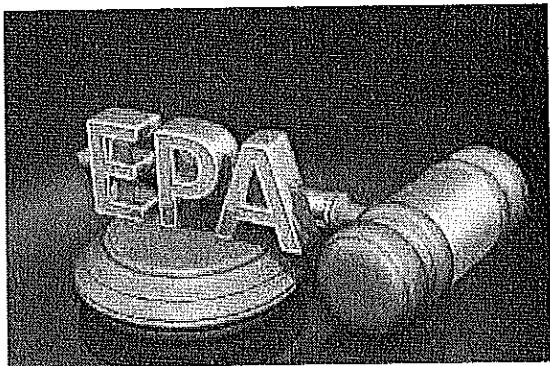
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As previously reported within *Insider*, the Ohio Tax Expenditure Review Committee awoke last month, holding its first two hearings in months. A report released by the Buckeye Institute highlighting \$1.8 billion in annual tax loopholes drew widespread attention before the first hearing. However, testimony presented on April 11 primarily focused on tax exemptions for the manufacture and packaging of tangible personal property—something not included in the Institute's report. Industry interests bemoaned the possibility that Ohio would cease to be competitive in an

environment where most other states have similar exemptions. The April 25 hearing focused on energy and commercial food tax incentives. The next hearing is scheduled for May 9.

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## EPA Omnibus Bill



The Ohio legislature is gearing up to consider a series of environmental reforms. At the request of the Ohio Environmental Protection Agency the yet-to-be-introduced omnibus bill is expected to contain major changes to Ohio's state watersheds protection efforts, air permitting process, increased penalties for odor nuisances, and redefining "open dumping" among many other items to be included.

### INSIGHT

With relatively few legislative sessions days scheduled in the coming months, it is unlikely that the EPA reform bill will be passed soon. However, introduction of such a comprehensive measure signals growing desire of Governor Kasich's EPA to enact reforms before they leave office.

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## Third Frontier Opiod RFP

Ohio's Third Frontier Program is actively seeking proposals for its Opioid Abuse, Prevention, and Treatment Technology initiative. The aim of the initiative is to accelerate the development and commercialization of promising new products that meaningfully address one or more issues associated with the drug crisis driven by use, misuse, abuse and the addictive potential of opioids. Details and more information can be found [here](#).

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## Opportunity Zone Update



Ohio is one of 20 states to have selected qualified sites for the new opportunity zone subsidy passed within last year's Tax Cuts and Jobs Act. The U.S. Treasury recently approved 320 zones in Ohio and has delegated implementation authority to the IRS. Opportunity zones will provide significant tax incentives for up to 10 years for investments made within them, so businesses stand to gain as much as the local communities themselves. To prepare for future investments, companies can view an interactive map of Ohio's selected zones [here](#).

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## About Us

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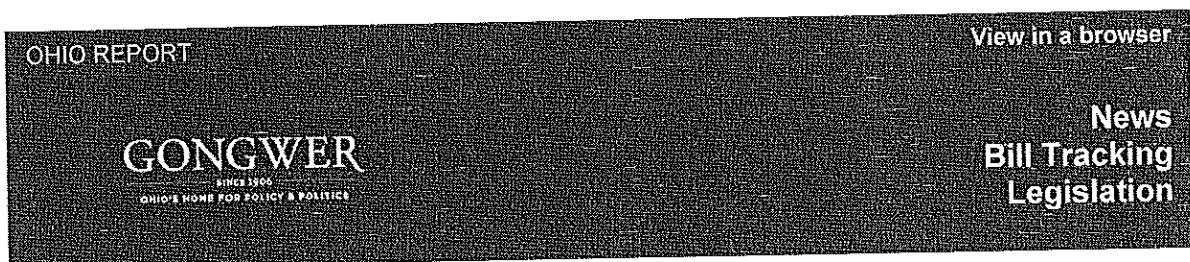
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## OHIO REPORT THURSDAY, MAY 10

**State Auditor: ECOT Officials May Have Engaged In Criminal Activity**

**Democrats Seek To Anchor Republican Candidates To Online School Faulted In Audit**

**Medicaid Officials Detail Safeguards For Managed Care Expansion**

**Administration Points To Improvements In Behavioral Health Redesign Payments**

**Retirement Study Council Approves 2019 Budget**

**State Offers Guidance On Mental Health, Firearms; Chronic Pain Rule Available For Comment...**

**Agency Briefs: AG Approves Petition For Legalized Pot Issue; Arts Council Gets Nearly \$1 Million NEA Grant; Auditor; ODA; DAS**

**Governor's Appointments**

**Gongwer Statehouse Job Market Updated**

**Supplemental Agency Calendar**

## **CALENDARS**

**Day Planner**

**Legislative Committee Schedules**

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**Volume #87, Report #91 – Thursday, May 10, 2018**

**State Auditor: ECOT Officials May Have Engaged in Criminal Activity**

State Auditor Dave Yost on Thursday referred his office's audit of the Electronic Classroom of Tomorrow for potential prosecution before blasting the Department of Education's oversight of the now-shuttered e-school and calling for stricter state laws on such entities.

The auditor's report determined that ECOT failed to provide documents proving students were using their computers for educational purposes for the hours it requested payment for during the 2016-17 school year. The audit found that although the school used tracking software known as ActivTrak to record what websites and programs students were using and how long they were using them, it did not provide all of that data to ODE.

Mr. Yost also issued findings for recovery on nearly \$250,000 that ECOT-related entities spent on political advertising as the General Assembly was considering new measures to regulate charters and ODE was looking to claw back payments made to the online school.

The audit's release kicked off another round of criticism from Democrats who accused Republican leaders of failing to oversee ECOT and prompted several Republican statewide candidates to donate money their campaigns had previously received from school leaders (See separate story).

Mr. Yost called information garnered from ActivTrak "the smoking gun" in his office's investigation into ECOT, which ended with him referring the findings to the Franklin County Prosecutor's Office and U.S. Attorney's Office.

"For the first time, we can prove that ECOT submitted information to ODE in order to get paid that it knew to be false when it was submitted," Mr. Yost said.

After ODE requested information on student participation at the e-school, Mr. Yost said ECOT provided "meaningless and unreliable information ...that ODE inexplicably accepted." He said department officials should have pushed for more information from the school.

"I would not have accepted the watered-down, blanked-out spreadsheets that were submitted to ODE," he said.

In a statement, Mr. Yost went further to challenge the department's handling of the e-school.

"With the level of incompetence displayed by both the school and ODE, the regulator, it's amazing that any money went to education whatsoever," he said.

ODE spokeswoman Brittany Halpin in a statement pushed back against the auditor's claim that the department mishandled its oversight of ECOT.

"No one has held ECOT more accountable for the education of students than the Department of Education, and our work to return approximately \$80 million to Ohio's taxpayers continues," she said.

Ms. Halpin said department officials "repeatedly questioned and subsequently rejected portions of ECOT's data."

ECOT closed in January after the State Board of Education voted the previous summer to claw back \$60 million from the school after an audit found it over-reported its full-time enrollment for the 2015-16 school year. The panel earlier this year tacked on another \$19 million to the school's debt, claiming it again overstated enrollment for 2016-17. (See Gongwer Ohio Report, February 12, 2018)

The e-school has filed two appeals with the Ohio Supreme Court, claiming ODE and the State Board of Education acted improperly in the lead-up to its closure. (See Gongwer Ohio Report, April 16, 2018)

Along with a referral for possible prosecution, the auditor's office issued a finding for recovery of \$249,962. The amount reflects an invoice submitted to ECOT in 2017 for a political ad buy that eventually was paid by Third Wave Communications, according to the auditor's report.

Mr. Yost said Third Wave Communications shares common ownership with other ECOT-linked businesses, leading auditor's investigators to conclude it paid the invoice in order to disguise ECOT's role in purchasing the advertising, which targeted the ODE and state lawmakers.

Karl Schneider, an attorney representing Third Wave Communications, said in a statement the finding for recovery was "meritless" and the result of a political frenzy around ECOT. He said Third Wave plans to challenge the finding.

"Mile-wide, inch-deep investigations have a tendency to lead to unsubstantiated conclusions that generally fail when tested with evidence in the court system, which is the case here," he said.

The auditor said ECOT officials also declined in April to sign a routine letter stating they provided all information necessary for the completion of the audit and that they had informed auditor's investigators of any possible fraud or illegal actions.

Auditor Yost said he anticipates his office will offer legislative recommendations based on the audit of ECOT, which likely will focus on preventing conflicts of interest and

promoting transparency among e-schools and the companies that manage them. He said the legislature also should look into whether funding such schools based on the time their students spent in class makes sense.

"Online learning needs to go to a learning-based, or achievement-based funding mechanism," he said.

Senate President Larry Obhof (R-Medina) said Thursday afternoon he is proud of legislation passed in 2015 (HB 23) that overhauled the state's accountability system for charter schools, which he said is working. He said he had not read the auditor's report, but would be open to recommendations from Mr. Yost.

"I'd be happy to sit down with him and talk about that," Mr. Obhof said.

A message seeking comment from ECOT's attorney was not returned prior to deadline.

### **Democrats Seek To Anchor Republican Candidates To Online School Faulted In Audit**

On the day Auditor Dave Yost announced he was referring his audit of the Electronic Classroom of Tomorrow's finances to prosecutors, Democrats made hay out of Republicans' ties to the defunct e-school.

Former federal prosecutor Steve Dettelbach, Mr. Yost's Democratic opponent for the office of attorney general, in a series of tweets Thursday again called on Yost to recuse himself from ECOT-related matters and questioned the timeline that led up to the referral.

"Dave Yost's excuses for why he couldn't refer the case are a flat out joke. I was a federal prosecutor for 20 years. Fraud cases don't get better with age," Mr. Dettelbach wrote.

At a press conference for the release of the report, Auditor Yost defended the timing of the referral.

"The criminal referrals always happen at the conclusion or near the conclusion of our work," he said.

David Pepper, chairman of the Ohio Democratic Party, said in a statement the auditor's report jibes with Democrats' previous criticisms of charter schools.

"Finally, after years of pretending otherwise, even the Republican auditor of this state is at long last admitting that one of the central policy directions pursued by Republicans in Ohio for nearly two decades turns out to be a fraudulent scam," he said.

Pepper also accused Yost of taking contributions from ECOT, then "(handing) out awards to ECOT like candy and (ignoring) whistleblowers who came to his office."

Mr. Yost said auditor of state awards are "given under objective criteria," adding ECOT received its awards before the Department of Education imposed standards requiring e-schools to provide data on how long their students spent in class.

"The auditor of state's award has nothing to do with how well you're run," he said. "It has specifically and only to do with whether you meet these criteria, and if you meet them, you automatically get the award."

The auditor also denied accusations his office ignored the claims of a whistleblower who went to ODE and the auditor's office last year alleging the school ordered employees to manipulate enrollment data. Mr. Yost said auditor's officials spoke with him twice and reviewed documents he provided to investigators.

"(The whistleblower's) knowledge was insufficient to base a criminal referral (on) at that time," Mr. Yost said, adding that the auditor's office was "already aware of virtually everything that he said" and working on an audit program to review the school.

The Yost campaign also announced it is donating \$29,395 to charity to offset contributions made by people with ties to ECOT to Mr. Yost's state auditor campaign and transition committee in response to the referral for prosecution.

Allison Dumski, spokeswoman for the campaign of Republican auditor candidate Rep. Keith Faber (R-Celina), said in a statement the campaign is donating \$36,513 to "high quality charter schools" to offset donations from ECOT founder Bill Lager to Faber's prior campaigns.

"As made evident by Auditor Yost's report today, ECOT abused the state's public trust, deceived parents, and most importantly, hurt the thousands of students who sought a quality education," Rep. Faber said in a statement. "Thanks to the strong charter school reforms put in place while I was Senate president and the diligent work of Auditor Yost and his staff, ECOT was caught and is out of business."

Mr. Faber's democratic opponent in the auditor's race, former Congressman Zack Space, called for politicians who took contributions from ECOT or related individuals to give them back in a Thursday-morning tweet.

"Finally, a long overdue referral for prosecution, after YEARS of scamming our tax dollars. Many questions remain, but the biggest: what role did political contributions have in creating or perpetuating this scam? Pols who took ECOT \$ should return it," he wrote.

Sen. Joe Schiavoni (D-Boardman) in a statement said the auditor's announcement was a case of "better late than never."

"However, I am concerned that the auditor avoided acknowledging his own failures to hold ECOT accountable in the past," he said. "The auditor is well aware that the Ohio Department of Education had the power to ask for detailed student attendance data before 2014. That means the data should have existed and Auditor Yost could have asked for it."

Sen. Vernon Sykes (D-Akron) in a statement called for a bipartisan reform effort in regards to e-schools. He said the legislature could start by considering a measure (SB 396) introduced by Sen. Schiavoni in February.

"It is within the legislature's mandate to create a more efficient and effective education system so that Ohio's children have the opportunity to thrive," he said. "Members of the General Assembly have a moral obligation to work together toward bipartisan e-school reform."

Rep. Teresa Fedor (D-Toledo) and Rep. Tavia Galonski (D-Akron) sent a letter to Mr. DeWine requesting the appointment of a special prosecutor to investigate the e-school.

"Taxpayers, students and their families deserve to know the truth about the extent of ECOT officials' criminal activity to defraud the state out of tens of millions of dollars," the letter stated.

Democratic gubernatorial candidate Rich Cordray used the release of the audit as an opportunity to tie his Republican opponent, Attorney General Mike DeWine, to the e-school.

"This is just the latest attempt by Republicans in the Statehouse to whitewash their ECOT scandal," Mr. Cordray said in a statement. "They willfully looked the other way as a billion of our taxpayer dollars went to a politically-connected for-profit charter school instead of to educating Ohio students. In exchange for enabling their scam, Mike DeWine and Jon Husted raked in tens of thousands of dollars in campaign contributions, while our state, taxpayers and children were being defrauded and mistreated."

Joshua Eck, a spokesman for the DeWine/Husted campaign, said in a statement the auditor's report actually shows Republicans are providing oversight of charter schools.

"Mike DeWine and Jon Husted believe that every dollar we invest in education needs only one priority: Helping our kids get off to a great start in life," he said. "Anyone who tries to manipulate that system should be held to account. It's a shame Richard Cordray doesn't understand how Republicans are already imposing that accountability."

#### **Medicaid Officials Detail Safeguards For Managed Care Expansion**

Managed care plans and the Ohio Department of Medicaid said Thursday they're ready for the scheduled July 1 carve-in of behavioral health services, although the agency said it has contingency plans in place to alleviate potential problems.

One point of concern for the Joint Medicaid Oversight Committee was one plan's recent struggles meeting the state's prompt pay standards, problems that plans said were not tied to behavioral health.

The move to managed care is the second step in the behavioral health redesign process, and administration officials also argued before JMOC that the first stage - new billing codes - is starting to turn the corner. (See *separate story*)

Although Medicaid officials said they're confident the state's managed care plans will be ready to take on behavioral health services come July, they also detailed a series of safeguards designed to mitigate any issues. (ODM Presentation)

Those protections include a six-month period after the carve-in during which Medicaid members can use any provider for services regardless of who their managed care plan is, said Patrick Stephan, ODM's director of managed care. The period was initially three months but was extended to six months to include an open enrollment period in which members can change managed care plans if they choose.

"Any provider providing services to somebody in the new system will be paid by the managed care plans, no questions asked," Mr. Stephan said.

After that period, providers and plans will still be able to work out single-case agreements if the provider isn't in a plan's network, he said.

Another safeguard is that plans will have to follow the Medicaid program's fee-for-service coverage policies and payment rates through June 30, 2019.

ODM will also develop a post-implementation task force including managed care plans, providers and groups representing providers to identify issues and address them, Mr. Stephan said.

The department will also offer a contingency plan for providers who face problems with billing, similar to a contingency plan offered during the first stage of the redesign, he said. Plans would make a monthly payment for July, August, September and October for providers serving their members equal to 54.6% of the provider's average monthly Medicaid reimbursement in 2016.

Representatives of the five managed care plans told the committee they were each prepared to handle the change in services.

"Improvements for behavioral health in Medicaid will occur July 1 due to managed care carve-in," said Buckeye Health Plan President and CEO Bruce Hill. "Buckeye and the other Medicaid plans have been working closely with our providers for months to ensure a smooth transition."

One managed care organization that JMOC members questioned extensively was CareSource, which is working with ODM to resolve failures to meet the program's prompt pay standards in the second half of 2017.

JMOC Chairman Sen. Dave Burke (R-Marysville) asked CareSource to provide its plan of action for resolving prompt pay issues to the committee in the next week.

CareSource Ohio President Steve Ringel said the company would comply and had experienced no problems with prompt pay in behavioral health. He told Rep. Nickie Antonio (D-Lakewood) that the problems stemmed from having insufficient staff, and that they largely occurred in primary care. The plan has offered cash advances where there are significant issues with specific providers, he said.

Rep. Antonio asked ODM officials about the remediation process for prompt pay failures.

When the department identifies problems with a plan, it works with them to identify issues and develop a solution to bring them back into compliance, Mr. Stephan said.

Rep. Mark Romanchuk (R-Mansfield) questioned why it has taken several months for ODM to act on CareSource's issues.

"To me, eight months is a long time, so I would encourage the department to potentially move these triggers up, so we're not six, seven, eight months down the road when we're finally acting in a manner that facilitates change," he said.

Mr. Stephan said both the plan and ODM have taken the issue seriously and are working on solutions. He also said they have considered changing the requirements, which currently mandate plans pay 90% of claims within 30 days and 99% within 90 days.

"Through the balance of this process, it is a topic that we are looking into," he said.

#### **Administration Points To Improvements In Behavioral Health Redesign Payments**

State Medicaid officials argued Thursday that the first step in the behavioral health redesign process, a move to new billing codes, is beginning to stabilize after some initial uncertainty.

The administration used data covering the first three months of the year to tell members of the Joint Medicaid Oversight Committee that billing problems are being resolved and that the new system is, in many cases, paying providers more quickly and efficiently than before.

The comments come in response to a survey released last month by the Ohio Council of Behavioral Health & Family Service Providers that found many members were receiving

significantly less in overall payments from Medicaid. (See Gongwer Ohio Report, April 19, 2018)

Greg Moody, director of the Governor's Office of Health Transformation, said that survey, which covered 80% of the council's members, represents about a quarter of providers affected by the behavioral health redesign. (ODM Presentation)

While payments for claims in February were down 20% compared to the previous February, those numbers in January and March were close to the same, with total payments in the first quarter of 2018 down about 7% compared to the same period in 2017, Director Moody said.

When looking at denial rates of claims, Mr. Moody said the 18% denial rate in March was down compared to 28% seen in January, showing providers are working out problems with the new system.

That rate, above the typical denial rate of about 11%, also is inflated because the new coding system is disqualifying claims that previously might otherwise have been paid by Medicaid, including claims that should be paid by other payers, he said. When those claims are eliminated, the denial rate drops to 11% in March and 15% for the first quarter overall, he said.

Many of the denials - about 41% - are coming from 26 providers, which account for 6% of the total number, he said. When they are removed, the denial rate for March drops to 5%. Mr. Moody also pointed out that hospitals, which have more experience with the code sets and the system, experienced a denial rate of 1% for the quarter.

"Many of the early concerns with redesign are being addressed as we look at actual system performance," he said.

Sen. Bill Coley (R-Liberty Twp.) cited a drop in total behavioral health spending in April, which was not included in Mr. Moody's presentation.

April's spending is affected by a one-week payment delay for the month for all providers in the Medicaid program to keep the program's budget balanced, Mr. Moody said.

"A significant portion of the reduction in April is unrelated to redesign, it's related to a one-week delay in payment," he said.

The council's survey was conducted "at the point of maximum consternation" with the new process, Mr. Moody said.

"Everything in the council survey are things that we flagged to monitor and track because they could be signals of something going wrong," he said.

Sen. Coley said the fact that overall spending in behavioral health remains below last year's total continues to raise red flags.

"From a budgeting standpoint, their concerns are not as overblown as we thought," he said.

Rep. Emilia Sykes (D-Akron) asked how much providers are being told about why a certain claim was denied.

"What does that look like moving forward so these folks can actually get what they need and we can actually find out whether this is why they're losing that funding?" she asked.

Medicaid Director Barbara Sears said providers are given codes explaining why a claim was denied, and that with larger denials, the department will reach out to providers to explain.

"I can't have my folks explaining how to bill Medicare or a third party, but what I can tell you is that now that we have moved to a national code set, it's easier for them to bill those services," she said.

The administration's comments didn't quell the Ohio Council's concerns about the plan to move ahead with the next step of the behavioral health redesign. CEO Lori Criss also pointed to prompt payment issues with one managed care plans as raising questions about the planned July 1 managed care carve-in. (*See separate story*)

"Today's discussion at JMOC reinforced that the state, managed care plans, and providers are not yet showing full signs of readiness for a July 1 move to managed care, especially with fewer than 8% of providers shown as being in a position to serve the same capacity that they served last year at this time," she said in an email.

"It's stunning to think that the administration can declare readiness when at the same time revealing that the Ohio Department of Medicaid has known for months but not shared that CareSource, which covers over 50% of Ohioans on Medicaid Managed Care, has violated their timely payment requirements."

Prompted by the council's survey, one Democratic lawmaker also announced Thursday that he would ask ODM to delay the planned carve-in by six months.

"Logistical issues during the rollout of the redesign plan have wreaked havoc on our healthcare providers, threatening care and forcing many to eliminate staff and essential services," Rep. Thomas West (D-Canton) said in a statement. "This is especially troublesome at a time when we continue to battle our worst-in-the-nation opioid crisis. Extending Phase I by six months will allow us to iron out the issues and refocus our efforts on what truly matters-delivering quality, affordable healthcare to Ohio families."

#### **Retirement Study Council Approves 2019 Budget**

The Ohio Retirement Study Council will see a slight spending increase under a budget approved by members Thursday.

The panel signed off on the \$781,800 budget request with little discussion after council Director Bethany Rhodes walked members through an overview. The annual increase is just above 1%, or \$8,450. The council receives no legislative appropriations and is funded through the plans' investment earnings.

The School Employees Retirement and the State Teachers Retirement systems also presented current drafts of their own budget proposals. Rising insurance costs, additional staff training expenses and increasing bank fees appear to be the common themes. (Committee Documents)

Rep. Rick Carfagna (R-Westerville) applauded the ORSC's budget for zeroing out a line item previously put aside for communication products like phones and internet.

Ms. Rhodes explained that because the council relocated to a state office building, it no longer needs to rely on a private vendor for those services. She said, however, that the line item would remain in the budget in case the council should relocate at some point in the future.

Ms. Rhodes said she was also successful in following through on members' prior instructions to attempt to extend the contract of the council's two actuaries - PTA/KMS and RVK - which were to expire in August. She said both agreed to extend the contracts another five years at the current rate.

**Other systems:** Representatives of the School Employees Retirement System and State Teachers Retirement System shared their own budget projections with the council, although SERS CFO Tracy Valentino said that system's proposal is still a work in progress and will likely be lower when it returns for council consideration.

SERS' proposed operating budget increased 4.3% over the current year, partly attributable to a 4.7% increase in personnel costs and a 5.5% increase in health insurance. All told, the total budget clocks in at just more than \$34 million - up from \$32.9 million the year prior.

Member Thomas Pasarella questioned Ms. Valentino on the increase in banking fees the system has seen. She replied that as the assets grow, so too do the custodial and related fees.

STRS CFO Paul Snyder said the system is eyeing a 2.2% increase - up from \$99.9 million to \$102 million - for its 2019 budget. He said the system has trimmed six full-time equivalent positions thanks to online efficiencies and teacher retirements - a fact Sen. Steve Wilson (R-Maineville) praised.

**Recommendations:** Senior Research Associate Jeff Bernard outlined staff's recommendation to remove a provision in the Ohio Revised Code requiring Highway Patrol Retirement System to conduct an annual adequacy contribution rate report.

Those reports, Mr. Bernard suggested, are duplicative and costly. The council, he noted, would still have the ability to request such a report if the change were adopted. System Executive Director Mark Atkeson said he supports the proposal.

Rep. Kirk Schuring (R-Canton) said the issue will be discussed at the group's next meeting along with whether similar requirements for other systems should likewise be eliminated.

The council also voted to recommend lawmakers modify maximum statutory penalties for systems failing to transmit either employee or employer contributions.

### **State Offers Guidance On Mental Health, Firearms, Chronic Pain Rule Available For Comment...**

The Department of Mental Health & Addiction Services issued guidance this week to help mental health practitioners with questions surrounding mental illness and firearms.

The memo comes as the debate over firearms and particularly mass shootings continues at the state and federal level.

ODMHAS Medical Director Dr. Mark Hurst wrote to providers that the discussion demonstrates the important role they play in the conversation and in the prevention of violence.

Statistics show a relatively small number of violent acts directed toward others are committed by people with mental illness, and that people with mental illness are much more likely to use firearms to take their own lives, he wrote.

"When individuals with certain mental illnesses are actively experiencing symptoms, they may be impulsive, misperceive reality and have impaired judgment. If firearms are available, the risk to themselves and others increases markedly," he wrote.

"Health care providers have no duty more important than to maintain the wellness and safety of patients, families and the communities where they reside. This duty is accomplished by providing effective treatment for psychiatric disorders and substance use problems, as well as remembering our duty to address the risk that exists from access to firearms for those under mental health treatment."

Dr. Hurst recommended patients and their families be advised of the risks posed by firearm access, and the importance of mitigating them. He also stressed the importance of ensuring relevant documents are submitted to the Bureau of Criminal Investigation in the case of an involuntary commitment.

"While our clinical interventions alone will not eliminate all firearm-related injuries and deaths, they most certainly eliminate some of them," he wrote. "Even one life saved is worth it."

**Chronic Pain Rules:** The Ohio State Dental Board posted draft rules of proposed new regulations on the prescribing of opioid medications for chronic and subacute pain.

The proposed rules were announced last week by Gov. John Kasich and medical professional boards. They create a framework of checkpoints for prescribers when authorizing progressively stronger doses of opioid pain relievers. (See Gongwer Ohio Report, May 2, 2018)

Comments on the rules can be sent to the dental board via email with the rule number in the subject line, and with the Common Sense Initiative copied on the email. Comments will be accepted through Friday, May 18.

The board also expects to hold a public hearing on the rule in July.

**Medicaid Waivers:** A report by Policy Matters Ohio questioned research cited by federal health care regulators in supporting Medicaid waivers imposing work requirements on certain members.

PMO claimed the Centers for Medicare and Medicaid Services misstated or misinterpreted the findings of various academic studies in justifying a move toward additional work requirements for Medicaid members.

"Medicaid's mission is to improve the health of Americans struggling to make ends meet," Wendy Patton, PMO senior project director, said in a statement. "Good health is a precondition for work, not a reward for it. Nothing in academic literature justifies CMS's plan. In fact, in many cases, the research shows why this policy is flawed."

#### **Agency Briefs: AG Approves Petition For Legalized Pot Issue; Arts Council Gets Nearly \$1 Million NEA Grant; Auditor, ODA, DAS**

A resubmitted petition summary for a ballot issue to legalize marijuana in Ohio was approved Thursday by Attorney General Mike DeWine.

Backers of the proposed constitutional amendment, titled "Marijuana Rights and Regulations," will be cleared to begin collecting signatures after the Ohio Ballot Board determines whether the language requires a single or multiple issues.

Mr. DeWine's office determined that, unlike the committee's first attempt, the new petition summary represented "a fair and truthful statement of the proposed law."

Under the proposed amendment, which also prescribes how governments can restrict the use of marijuana in ways similar to alcohol-related laws, a new Ohio Constitution section would "endow the Rights of persons in Ohio age 21 and older to possess, cultivate, process, use, transport, sell, purchase and share marijuana in Ohio...."

**Ohio Arts Council:** For the ninth consecutive year, OAC is celebrating the award of the second-largest partnership grant from the National Endowment for the Arts.

The \$995,800 received to help support arts initiatives throughout the state tops the amount granted to larger states such as Texas, Florida, New York, Illinois and Pennsylvania, OAC reported. (Details)

"Ohio has a long tradition of securing nearly \$1 million annually through the State and Regional Partnership Agreement program from the National Endowment for the Arts. We are proud to receive the largest award in the Midwest and the second largest award in the nation, OAC Executive Director Donna S. Collins said in a statement.

"Every dollar we earn from the NEA is invested in the arts statewide through our grantees. The federal investment in the arts in Ohio is important, not just the Ohio Arts Council grant award, but the 16 grants given this cycle in a variety of categories to arts organizations across Ohio."

**State Auditor:** Dave Yost has placed the Village of Bridgeport in Belmont County on the state's "unauditable" list due to a lack of documentation.

"During the course of the regular financial audit of the Village of Bridgeport for the period Jan. 1, 2016, through Dec. 31, 2017, the Auditor of State's office determined that the condition of the village's financial records was not adequate to complete the audit," his office reported. In a letter to the village, the Auditor's office provided a list of information required to complete the audit.

"Complete financial records shine a light on local governments," Auditor Yost said in a release. "Taxpayers should not be left in the dark on how their dollars are being spent."

The village has 90 days to respond to the letter by revising its financial records and providing the required data. Failure to do so could result in legal action.

In a separate release, Mr. Yost announced that Nicholas Szabo, the former city auditor of London in Madison County, pleaded guilty to theft in office "for his failure to reimburse the city for his health insurance costs and for an unauthorized pay increase for a fellow employee."

Mr. Szabo resigned in December. The auditor said he will be sentenced on the fourth-degree felony violation on June 7.

Mr. Yost also announced this week that a special audit of Mt. Sterling was recognized by the National State Auditors Association with an Excellence in Accountability Award.

"The award recognizes the office's work in uncovering extensive corruption and almost \$1 million in illegal spending at the small Madison County village," his office reported. "The special audit was instrumental in securing the convictions of four administrators

and employees, including former Mayor Charles Neff and former Village Administrator Joseph Johnson."

"The exemplary professionals of my office continually get results - and justice - for Ohio's taxpayers," Auditor Yost said. "This recognition from their peers is evidence of the first-rate work rooted in every audit and investigation they perform."

**Department of Agriculture:** The agency reported Thursday that an invasive species of hemlock-killing insects had been discovered in Adams County.

The hemlock woolly adelgid, an aphid-like Asian insect first reported in the U.S. in 1951, has devastated the trees in areas along the Appalachian Mountains and has been detected in 20 states.

The infestation in Adams County was discovered through the survey work being conducted by the ODNR Division of Forestry in Shawnee State Forest. The bugs were first detected in a forested setting in Ohio in Meigs County in 2012, the agency reported.

"At this time, ODA will move to expand its hemlock quarantine, enforced by ODA's Plant Health division, to include Adams County," ODA reported. "Ohio quarantine regulations restrict the movement of hemlock materials from areas known to be infested with HWA into non-infested Ohio counties. Ohio's quarantine law also requires hemlock materials to be inspected and officially certified before being shipped, verifying that the plant material is free of HWA when entering Ohio."

The agency separately announced that aerial treatments designed to control the gypsy moth population would begin soon in 54 acres in Franklin County. The treatments are administered using a low-flying aircraft and will likely take place during early morning hours, ODA said.

The department said it will use Foray (Btk), a naturally occurring bacterium found in the soil that interferes with the caterpillars' feeding cycles, adding that the substance is not toxic to humans, pets, birds or fish.

**Administrative Services:** The state will hold next miscellaneous surplus property auction on Saturday at the DAS General Services Division headquarters, 4200 Surface Rd. in Columbus.

Scaffolding and a Delta RS-15 shaper are among the unique items being sold at the auction, which also features "a wide variety of computer equipment (e.g., laptops, monitors and printers) and electronic appliances (e.g., copiers, digital cameras, DVD players, audio and video equipment and mobile radios).

Doors open at 8 a.m. and the auction begins at 9 a.m. More details are available on the DAS website.

#### **Governor's Appointments**

**State Dental Board:** Andrew W. Zucker, DDS of Sandusky for a term beginning May 10, 2018, and ending April 6, 2022 and Canise Y. Bean, DMD, MPH of Columbus and Faisal A. Quereshy, MD, DDS of Richfield for terms beginning May 10, 2018, and ending April 6, 2022.

**University of Akron Board of Trustees:** Cindy P. Crotty of Cleveland Heights has been appointed to the for a term beginning May 10, 2018, and ending July 1, 2026.

### **Gongwer Statehouse Job Market Updated**

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

### **Supplemental Agency Calendar**

#### **Monday, May 14**

State Board of Education, 25 S. Front St., Columbus, 8:30 a.m.

#### **Tuesday, May 15**

State Board of Education, 25 S. Front St., Columbus, 8:30 a.m.

#### **Wednesday, May 16**

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

#### **Thursday, May 17**

Aerospace & Aviation Technology Committee, Rm. 017, Statehouse, Columbus, 1:30 p.m.

17 S. High St., Suite 630

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Click the  after a bill number to create a saved search and email alert for that bill.

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## Daily Activity Planner for Friday, May 11

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

Small Government Capital Improvements Commission, OWDA offices, 480 S. High St., Columbus, 10:30 a.m.

### Event Planner

YMCA Youth & Government Model United Nations, Statehouse, Columbus

17 S. High St., Suite 630

Columbus Ohio 43215

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## **Legislative Committee Schedules beginning 5/11/2018**

**Monday, May 14**

Joint Committee on Agency Rule Review (Committee Record) (Chr. Uecker, J., 644-6030), Senate Finance Hearing Rm., 1:30 p.m.

**Tuesday, May 15**

Senate Insurance & Financial Institutions (Committee Record) (Chr. Hottinger, J., 466-5838), Finance Hearing Rm., 9:30 a.m.

**SB 275** **NURSE ANESTHETISTS** (Burke, D.) Regarding the authority of certified registered nurse anesthetists to administer drugs in addition to anesthesia and to select and order certain other drugs. (1st Hearing-Sponsor)

**SB 247** **PERS HEALTH CARE** (Dolan, M.) To require the Public Employees Retirement System to permit certain spouses of retired or deceased members to continue receiving allowances to pay for health care expenses under the System's group health care plans. (1st Hearing-Sponsor)

**SB 263** **NOTARY PUBLIC** (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act. (3rd Hearing-All testimony-Possible amendments & vote)

**SB 265** **PHARMACY SERVICES** (Dolan, M.) To permit certain health insurers to provide payment or reimbursement for services lawfully provided by a pharmacist and to recognize pharmacist services in certain other laws. (2nd Hearing-Proponent)

**SB 273** **RATING AGENCIES** (Hackett, B.) To enact for the Revised Code a definition of the term "rating agency." (2nd Hearing-Proponent)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.

- Confirmation hearing on governor's appointments of John Adams, CFA, Ohio Higher Educational Facility Commission; Rachel Bankowitz and Donald Brogan, RA, Ohio Historic Site Preservation Advisory Board; Charles Bills, Owens State Community College Board of Trustees; Thomas Carroll, Housing Trust Fund Advisory Committee; Rachel Cummings, Southern State Community College Board of Trustees; Matthew Davis, Ohio Business Gateway Steering Committee; Terrence Fergus, Cleveland State University Board of Trustees; Charles George, Youngstown State University Board of Trustees; Matthew Kirby, CFP, Ohio Tuition Trust Authority; Gary Lindgren and David Scholl, Third Frontier Commission; Austin McClain, Ohio University Board of Trustees; Jill Neff and Joshua Smith, Rio Grande Community College Board of Trustees and Rick Ritzler, Columbus State Community College Board of Trustees

**SB 296** **LAW ENFORCEMENT BENEFITS** (LaRose, F., Hottinger, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (1st Hearing-Sponsor)

**HB 318** **SCHOOL RESOURCE OFFICERS** (Patterson, J., LaTourette, S.) To define the necessary qualifications and responsibilities of school resource officers, to require the

Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation. (1st Hearing-Sponsor)

SB 299 WATER IMPROVEMENTS (Gardner, R., O'Brien, S.) To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. (1st Hearing-Sponsor & proponent)

HB 353 UNCLAIMED FUNDS (Reineke, B.) To exempt certain open-loop prepaid cards, closed-loop prepaid cards, and rewards cards from the Unclaimed Funds Law. (3rd Hearing-Opponent)

SB 246 STUDENT REMOVAL (Lehner, P., Manning, G.) To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. (4th Hearing-All testimony-Possible amendments)

House Federalism & Interstate Relations (Committee Record) (Chr. Roegner, K., 466-1177), Rm. 115, 4 p.m.

HB 580 GRANT APPLICATIONS (Thompson, A.) To establish procedures that executive agencies must follow when applying for grants, to require the Governor to approve any major grant application, and to permit the Governor to disapprove any minor grant application. (1st Hearing-Sponsor)

HCR 26 JERUSALEM (Faber, K., Keller, C.) To recognize Jerusalem as the capital of the State of Israel. (1st Hearing-Sponsor)

HB 228 GUN LAWS (Johnson, T., LaTourette, S.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (6th Hearing-All testimony)

HB 85 HEALTH CARE COMPACT (Rutherford, W.) To enter into the Health Care Compact. (2nd Hearing-All testimony-Possible vote)

House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.

HB 544 SCHOOL SAFETY STANDARDS (Rogers, J., Perales, R.) To require the State Board of Education to adopt rules prescribing standards for safety enhancements to new public and nonpublic school facilities and to require the Ohio Facilities Construction Commission to revise its construction and design standards to comply with the State Board's standards. (1st Hearing-Sponsor)

SB 216 SCHOOL REGULATIONS (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs. (1st Hearing-Sponsor)

HB 517 MONTH DESIGNATION (Schaffer, T., Leland, D.) To designate the month of October as "Ohio Principals Month." (2nd Hearing-All testimony-Possible amendments & vote)

HB 540 TEACHER EVALUATIONS (Gavarone, T., Manning, N.) With regard to teacher evaluations. (3rd Hearing-All testimony-Possible amendments & vote)

HB 591 SCHOOL REPORT CARDS (Duffey, M.) To revise the state report card rating system for school districts and public schools. (1st Hearing-Sponsor & proponent-Possible substitute-Pending referral)

Senate Agriculture (Committee Record) (Chr. Hackett, B., 466-3780), South Hearing Rm., 4 p.m.

HB 392 APIARY DAMAGES (Stein, D.) To grant specified apiary owners immunity in personal injury or property damage cases involving bee stings. (2nd Hearing-Proponent)

HB 506 DOG BREEDERS (Hill, B.) To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)

### Wednesday, May 16

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

SB 135 VOTING EQUIPMENT (LaRose, F.) To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program. (1st Hearing-Sponsor & proponent-Pending referral)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11:15 a.m.

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), North Hearing Rm., 3 p.m. or after session

- Confirmation hearing on governor's appointments of Timothy Staup, Motor Vehicle Salvage Dealers Licensing Board and Norman Lane, State Fire Council

SB 293 ADMINISTRATIVE REGULATIONS (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions. (1st Hearing-Sponsor)

SB 295 ROAD NAMING (Hottinger, J.) To designate a portion of State Route 93 in Tuscarawas County as the "PFC Oscar F. Nicewander Memorial Highway" and a portion of State Route 520 in Holmes County as the "Cpl. Jerry Robert Spitler Memorial Highway." (1st Hearing-Sponsor)

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m. or after session

HB 360 BULLYING (Greenspan, D.) To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (1st Hearing-Sponsor)

HB 87 COMMUNITY SCHOOLS (Roegner, K.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. (2nd Hearing-Proponent)

HB 438 ESC BOARDS (Hambley, S., Kick, D.) To permit the addition of appointed members to educational service center boards, to permit a local school district to sever its territory from one educational service center and annex that territory to an adjacent service center under specified conditions, and to authorize educational service centers to establish local professional development committees. (2nd Hearing-All testimony-Possible amendments & vote)

HB 21 COMMUNITY SCHOOLS (Hambley, S.) Regarding verification of community school enrollments. (5th Hearing-All testimony-Possible amendments & vote)  
House Aging & Long Term Care (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 113, 3:30 p.m. or after session

HB 527 VISITATION RIGHTS (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. (1st Hearing-Sponsor)

HB 572 RETIREMENT CREDIT (Scherer, G., Howse, S.) Regarding Public Employees Retirement System service credit for services as a nonteaching school employee of a county board of developmental disabilities. (1st Hearing-Sponsor)

SB 158 ELDER FRAUD (Wilson, S.) To develop best practices and educational opportunities to combat elder fraud and exploitation and to fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. (1st Hearing-Sponsor)

### Thursday, May 17

Joint Ohio College Affordability Committee (Chr. Wilson, S., 466-9739), Senate Finance Hearing Rm., 10 a.m.

- Presentation from Chancellor John Carey on past and current initiatives to reduce the cost of college education  
~~Canceled: House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1 p.m.~~
- If needed

### Tuesday, May 22

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

- If needed  
~~Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.~~
- If needed

### Wednesday, May 23

Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 8:30 a.m.

- Presentation by State Superintendent Paolo DeMaria and update on progress of other research projects (tentative)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1:30 p.m.  
Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

**Thursday, May 24**

House Session (Committee Record) (Chr. Schuring, K., 466-3357), House Chamber, 1 p.m.

**NOTE:** Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the <#> after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

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**From:** Thomas, AJ  
**Sent:** Friday, May 11, 2018 11:50 AM  
**To:** Thomas, AJ  
**Subject:** Deconstructing the Administrative State Luncheon  
**Attachments:** Deconstructing Admin State Lunch Invite.pdf

Hello! Had enough of bureaucracy? Tired of all the red tape? Concerned about rogue agencies seemingly operating impervious to oversight? I am, too!

A wise man once said, "There is no such thing as a free lunch," but he was wrong!

On Wednesday May 23<sup>rd</sup> there will be a panel discussion of HB580 featuring the American Principles Project's Erin Tuttle, Greg Lawson-of The Buckeye Institute, and Micah Derry of Americans for Prosperity. It will be moderated by Representative Andy Thompson. There will also be a free lunch provided by the parties in question.

House Bill 580, adds oversight and transparency to Ohio executive agencies' applications for federal grants, in an effort to control the rise of the administrative state. The discussion will include how the bureaucracy of our federal and state governments has grown over time, and how this administrative growth has specifically hurt the State of Ohio through federal grants and mandates. We will discuss how HB580 will help address the problem we have with a rising administrative state, and institute oversight via the executive branch.

WHERE: 31<sup>st</sup> Fl. North Room

WHEN: Wednesday May 23<sup>rd</sup> from 11:00-12:15

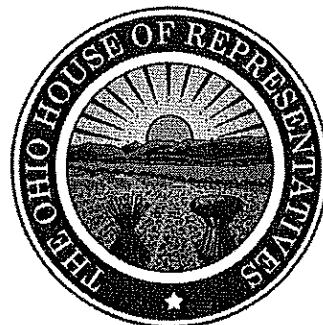
WHO: All Members and Staff are invited

Please RSVP to AJ Thomas ([AJ.Thomas@ohiohouse.gov](mailto:AJ.Thomas@ohiohouse.gov)) by Friday May 18<sup>th</sup> so we may have a count for lunch.

We hope to see you there!



Andy Thompson  
State Representative  
House District 95



Subj: Deconstructing the Administrative State Panel Discussion and Luncheon

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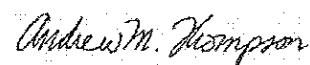
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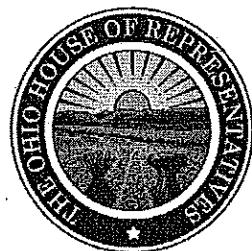
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Andy Thompson  
State Representative  
House District 95



THE BUCKEYE INSTITUTE



**From:** Max.Behlke@ncsl.org  
**Sent:** Monday, May 14, 2018 4:47 PM  
**To:** Griffin, Lisa  
**Subject:** Cap to Cap: SCOTUS: States Can Legalize Sports Betting

= A



# CapitoltoCapitol

NATIONAL CONFERENCE of STATE LEGISLATURES



May 14, 2018

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### **SCOTUS: States Can Legalize Sports Betting**

The U.S. Supreme Court ruled in favor of the states and struck down a 25-year-old federal law known as the Professional and Amateur Sports Protection Act (PASPA). Earlier today, the court voted 6-3 in favor of the state of New Jersey in *Murphy v. National Collegiate Athletic Association*, formerly known as *Chris Christie v. NCAA*, declaring PASPA unconstitutional as violative of the 10th Amendment.

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NCSL, along with other national organizations that represent state and local officials, filed an *amicus brief* in support of New Jersey. NCSL released a statement applauding the Supreme Court ruling saying, "NCSL supports every state's right to regulate gaming and sports betting, including both legalization and prohibition, without unwarranted federal preemption and interference." New Jersey can now move forward with its plan to legalize wagering, while other states will have the opportunity to alter their existing bans to allow for sports betting.

**NCSL Contacts:** [Ethan Wilson](#)

### **White House Looks to Rescind \$15 Billion in Federal Spending**

This past week, the White House released proposed rescission cuts covering 38 different programs and totaling over \$15 billion. The administration released a statement saying, "At the direction of President Trump, the Office of Management and Budget has worked diligently to identify wasteful and unnecessary spending already approved by Congress." Now Congress has 45 days to consider the package, which also freezes the

proposed funding programs until a decision is made. Unlike regular spending bills, rescissions packages only require a simple majority in both chambers for passage.

What's in the rescission package?

- Nearly half of the rescission cuts come from two accounts related to child health care: a **\$5.1 billion cut to the Children's Health Insurance Program (CHIP) and a \$1.9 billion cut to the Child Enrollment Contingency Fund**. The cuts would include \$3.1 billion in unobligated CHIP funds from FY17, \$2 billion in recovery funds from the Medicare Access and CHIP Reauthorization Act of 2015, and \$1.865 billion from the \$2.4 billion available in the Child Enrollment Contingency Fund.
- **\$800 million cut to the Center for Medicare & Medicaid Innovation:** The cut would rescind funds authorized under the Affordable Care Act from fiscal years 2011-2019. The center was created to try new payment and service delivery models that could reduce expenditures under Medicare, Medicaid and the Children's Health Insurance Fund (CHIP). The administration has said these funds are more than the amounts that would be needed to carry out planned activities for FY2018 and FY2019.
- **\$4.3 billion from the Advanced Technology Vehicle Manufacturing Loan Program,** = An Energy Department program that supports the development of advanced technology vehicles and hasn't made a loan since 2011.
- Remaining rescissions come from a variety of government funds and grants across departments including railroad unemployment insurance programs, Ebola response account, Hurricane Sandy funds that states haven't claimed and more. Additional info can be found here.

While rescission packages only require a simple majority, and are not subject to a Senate filibuster, there is a large amount of uncertainty that it will pass. While it is expected to easily coast through the House with Republican support, the Senate will be a different story. A number of Senate Republicans have already expressed their disinterest in the proposal and in order to pass, Republicans can't afford to lose a single vote while Arizona Senator John McCain is home recovering from a recent cancer treatment. Nonetheless, Congress can expect to see more rescission packages coming from the White House as they have stated that this is the first of many to come. A second rescission request in the coming weeks will attempt to claw back funding from the recently passed omnibus bill.

**NCSL Contacts:** Max Behlke, Jake Lestock

## **House to Vote Wednesday on Farm Bill**

On Wednesday, the House will consider [H.R. 2](#), the Agriculture & Nutrition Act of 2018 more commonly known as the House's 2018 Farm Bill. The bill reauthorizes several key agriculture and nutrition programs for five years, through fiscal year 2023. The Congressional Budget Office estimates \$867 billion in total farm bill spending, which includes nutrition, crop insurance, conservation and other farm programs. The bill contains 11 titles with the major themes and changes impacting states, which are detailed in NCSL's [analysis](#) of the legislation.

Wednesday's vote will be close, given that the legislation, as currently drafted, has been vocally criticized by House conservatives and House Democrats, albeit for different reasons. Members of the House Freedom Caucus, three dozen of the most conservative members of the House, as well as conservative groups, including Heritage Action and Americans for Prosperity, have criticized the farm subsidies as an unfair benefit to wealthy farms and large agricultural businesses. Democrats have overwhelmingly opposed the current legislation as it imposes new work requirements on five to seven million people who are enrolled in the Supplemental Nutrition Assistance Program (SNAP). Without Democratic support, several members of the Freedom Caucus will need to vote for the legislation for it to pass. Even if it passes, the House legislation is likely D.O.A. in the Senate, which is currently drafting its own Farm Bill.

On the other end of Pennsylvania Avenue, President Donald Trump has signaled that he will veto any legislation that does not impose stricter work requirements on SNAP recipients. However, the work requirements are the most controversial aspect of the legislation and it is unlikely that changes to the program will pass the Senate.

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[NCSL's analysis of the House Farm Bill](#)

**NCSL Contacts:** [Abbie Gruwell \(SNAP\)](#), [Ben Husch \(Agriculture\)](#)

**DYK?** Four states—Kentucky, Massachusetts, Pennsylvania, and Virginia—call themselves commonwealths. The distinction between a commonwealth and a state is in name only as there is no difference in their relationship to the nation as a whole.

So why are they called commonwealths? Mostly because of the preference of their founders. For example, in Massachusetts, the term commonwealth was preferred by a number of political writers in the years leading up to 1780, when the Massachusetts constitution officially designated the state as such. The preference is believed to have existed perhaps because there was "some anti-monarchical sentiment in using the word commonwealth."

## House Approves 2018 FAA Reauthorization Act

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On April 27, the House of Representatives approved, 393-13, [H.R. 4](#), the Federal Aviation Administration (FAA) Reauthorization Act of 2018. The bill would reauthorize FAA programs and the federal aviation taxes that fund FAA programs and operations for five years through Sept. 30, 2023. The prior reauthorization expired in September 2015, which has resulted in five short-term extensions. For more detailed information on what the bill includes, see NCSL's [Information Alert](#).

*NCSL Contacts:* [Ben Husch](#), [Kristen Hildreth](#)

## Net Neutrality Vote This Wednesday

Senate Democrats filed a discharge petition last week in order to force a vote to save the Federal Communication Commission's (FCC) net neutrality rules from repeal. A discharge petition would use authority under the Congressional Review Act to nullify the FCC's vote this past December to roll back the rules. These rules explicitly banned blocking, throttling, and paid prioritization by internet providers, but were reversed by a new set of guidelines introduced by FCC Chairman Ajit Pai.

To pass, the resolution will need a simple majority in both chambers. The Senate will vote this Wednesday and the chances of receiving 51 votes looks promising. Although, the bill is said to be dead on arrival in the Republican-controlled House. While the resolution has little chance of becoming enacted, Democrats plan to make their support for net neutrality regulations a popular campaign issue in the upcoming midterm elections.

*NCSL Contact:* [Danielle Dean](#)

## **Secretary DeVos Approves the ESSA Plans of South Carolina, Virginia, Alabama, Colorado and Kentucky**

As of May 11, the U.S. Department of Education announced the approval of South Carolina, Virginia, Alabama, Colorado and Kentucky's Every Student Succeeds Act (ESSA) state plans. Each state is tasked with developing an ESSA plan unique to the needs of their students. To date, 44 state and territory plans have now been approved. Education Secretary Betsy DeVos applauded the states and reiterated the need to "use these plans as a starting point, rather than a finish line, to improve outcomes for all students."

South Carolina's plan includes a total of nine ways a student's college and career readiness may be measured. The varied metrics enable students to take advantage of the world class knowledge and skills of the Profile of the South Carolina Graduate. South Carolina's plan also includes a student engagement survey, giving each respective student a voice in the accountability system. "South Carolina's ESSA plan embodies our vision that every graduate is prepared for success in college, career and citizenship," said South Carolina Superintendent of Education Molly Spearman.

Virginia's plan includes chronic absenteeism and the Standards of Accreditation Rating indicator as new methods to measure quality and student success. The approved ESSA plan also sets forth processes intended to support and improve the academic growth and English learner progress of identified schools. Virginia's ESSA plan "reflects the state's mission to increase student learning and academic achievement," said Virginia's Acting Superintendent of Public Instruction Steven M. Constantino.

Alabama's plan includes a framework to join with local education agencies to enhance early learning and improve alignment of early learning programs from birth through third grade. The approved plan also includes the creation of the Legislative School Performance Recognition Program, in which the state will use state-authorized assessments and key performance indicators to profile a school, school system or both entities.

Colorado's plan includes the creation of the ESSA Application for School Improvement, intended to provide schools identified for Comprehensive and Targeted Support and Improvement with access to services and funding that supports their unique needs. "We have used this process to re-engage with many of our schools, districts, and stakeholders across the state over the last two years to get feedback on the how our current system is working. The conversations were deep and very helpful to the department and other stakeholders as

"we work collectively to leverage ESSA to improve outcomes for our highest need students in Colorado", says Colorado's Education Commissioner Kathy Anthes.

Kentucky's approved ESSA plan includes goal setting related to achievement gaps: cutting the achievement gap for each student group in half by 2030 and increasing the graduation rate for all students and each student group. The plan also acknowledges 2017-2018 as a transition year, in which performance on indicators will be used to determine low-performing schools and whether targeted support and improvement or comprehensive supported and improvement will be provided. Systems will be fully implemented during the 2018-2019 school year, leading up to one to five-star designation for a school or district. Schools that reflect noteworthy achievement gaps will not qualify for earning the highest ratings. "Schools and districts will be held to a higher level of accountability under this plan. Raising the bar is essential if Kentucky is to make the strides in student performance we intend to make," said Kentucky's interim Education Commissioner Wayne Lewis.

A [complete list of state plans](#), both approved and pending.

**NCSL Contacts:** [Joan Wodiska](#), [Miranda McDonald](#)

DYK? Just in time for the MLB All-Star Game at Nationals Park in Washington, D.C., this summer, the Library of Congress will feature an exhibition about the origins and history of baseball. The handwritten "Laws of Base Ball," which historians have called the "Magna Carta" of the game after they were decided at a convention in 1857, will be among the artifacts featured in the new exhibition "[Baseball Americana](#)" opening June 29 at the Library of Congress. The exhibition will explore baseball's past and present and how the game has forged a sense of community for players and fans across the country.

### Tennessee Department of Education Awaiting ESSA Compliance Ruling

The Tennessee Department of Education is awaiting to hear back from the US Department of Education regarding whether emergency legislation is in compliance with Every Student Succeeds Act standards, which require states to test students annually in grades 3 through 8 and once in high school. This year, the state test "TN Ready" was affected by online glitches, deeming the results unreliable. In response, the Tennessee State Legislature passed legislation aimed to assert that "no adverse action be taken against any student, teacher, school or district based on this year's TN Ready results."

Tennessee's Education Commissioner Candice McQueen, has maintained that the glitches were the result "deliberate attacks" on the systems of Questar Assessment—TDOE's computer systems vendor. The state's ESSA plan was approved last August, in which TN Ready was included as a measurement of accountability standards.

**NCSL Contacts:** [Joan Wodiska](#), [Miranda McDonald](#)

## **First Lady Melania Trump Unveils "Be Best"**

On May 7, first lady Melania Trump revealed her first initiative entitled Be Best, which seeks to promote well-being, positive social media behaviors and support families impacted by the opioid crisis. The well-being component of the initiative includes emphasis on healthy living, encouragement, kindness and respect through which adults may impact the futures of children. The initiative's focus on social media seeks to tackle cyberbullying and encourage children to "choose their words wisely and speak with compassion." The first lady's initiative also seeks to bring attention to the effects of opioid addiction. On the initiative, Mrs. Trump said: "It remains our generation's moral imperative to take responsibility and help our children manage the many issues they are facing today, including encouraging positive social, emotional and physical habits."

**NCSL Contacts:** [Joan Wodiska](#), [Miranda McDonald](#)

## **New Leadership and Opportunity to Address Student Homelessness**

Acting Assistant Secretary for Elementary and Secondary Education Jason Botel was recently elected Vice-Chair of the United States Interagency Council on Homelessness for 2018. "...we have new levers at our disposal to track and provide services for families and students experiencing homelessness through the Every Student Succeeds Act," Botel said. State legislators or staff working on student homelessness are encouraged to contact [Joan Wodiska](#). NCSL is working to identify state-led examples to inform the Council on Homelessness.

**Contacts:** [Joan Wodiska](#), [Miranda McDonald](#)

**DYK?** From Acoma Pueblo in New Mexico, whose 250 structures have been continuously inhabited since the 12th century, to the White Horse Tavern, a bar in Newport, Rhode Island, that opened its doors in 1673, America's buildings are as historic as they are diverse. [Check out this list](#) of the oldest building in every state compiled by Business Insider.

**The 2018 NCSL Legislative Summit begins July 30 -- Register Here**

[Read the April 30, 2018 Capitol-to-Capitol.](#)

Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey!](#)

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

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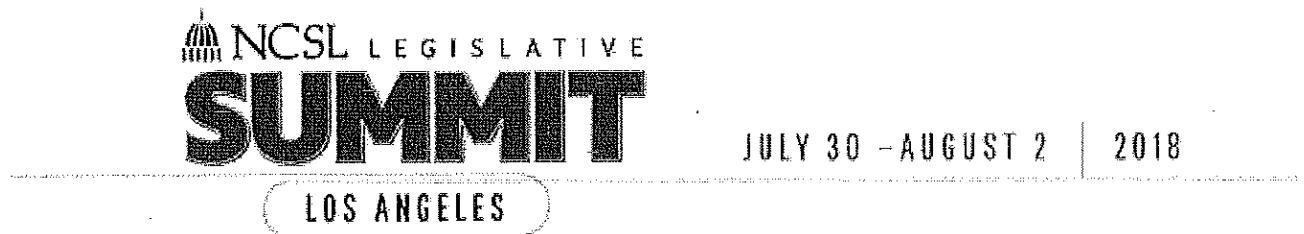
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7700 East First Place, Denver, CO 80230

**From:** Ben Husch  
**Sent:** Friday, June 8, 2018 10:03 AM  
**To:** Griffin, Lisa  
**CC:** Kristen Hildreth; Jennifer Schultz  
**Subject:** NCSL 2018 Legislative Summit - Important Upcoming Deadlines



Members of the Natural Resources and Infrastructure Committee,

Good morning. As we get closer to NCSL's 2018 Legislative Summit, July 30 – August 2 in Los Angeles, California, we wanted to remind you of three important dates:

- Monday, July 2: Deadline to submit any new policies OR amendments to existing policies.
- Wednesday, July 11: Final day to access the advanced registration rate of \$685. It increases to \$750 after.
- Wednesday, July 11: Hotel reservations must be completed in order to take advantage of NCSL's discount room rates.

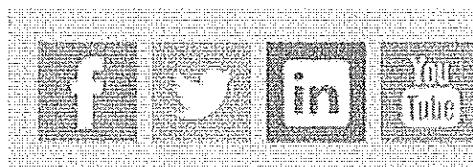
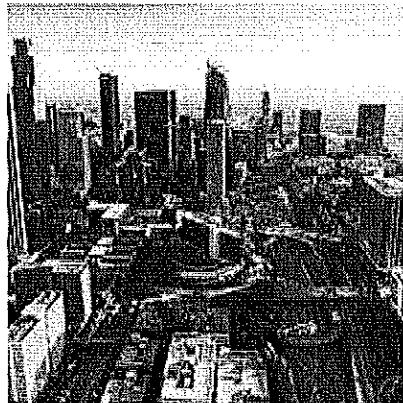
Additionally, the committee will meet during the afternoon of Monday, July 30 and the entire day of Tuesday, July 31. Our official business meeting is scheduled for Tuesday morning. Committee staff are in the process of finalizing the committee's agenda and anticipate a number of key issue sessions focused on:

- E-Bikes
- Housing and Transit-Oriented Development
- Increasing Consumer Access to New Fuels
- The Future of Motor Vehicle Fuel Economy Standards
- State Regulation of Drones – Establishing the Rules of the Road

A searchable online agenda is available [here](#).

If you have any questions or concerns about the meeting, please feel free to contact us. We look forward to seeing you all in California!

– NRI Committee Staff



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